



# भारत का गज़त्र

## The Gazette of India

प्राधिकार से प्रकाशित

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नई दिल्ली, शनिवार, 3 जनवरी, 1976/पौष 13, 1897

No. 1]

NEW DELHI, SATURDAY, JANUARY 3, 1976/PAUSA 13, 1897

इस भाग में विभिन्न प्रकाशित संख्याएँ दी जाती हैं जिससे कि यह प्रत्येक संकालन के क्षेत्र में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—कांड 3—उप-कांड (ii)  
PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राष्ट्र के लिए प्रशासनों को छोड़कर)  
केन्द्रीय प्राधिकारियों द्वारा जारी किये गए सांविधिक आदेश और प्रधिसूचनाएँ

Statutory orders and notifications issued by the Ministries of the Government of India  
(other than the Ministry of Defence) by Central Authorities  
(other than the Administrations of Union Territories)

उपराष्ट्रपति सचिवालय

नई दिल्ली 9 दिसम्बर, 1975

का० आ० 1.—पंजाब विश्व विद्यालय, चंडीगढ़ के कुलाधिपति, पंजाब विश्वविद्यालय के अधिनियम, 1947 की धारा 10 (3) के द्वारा प्रदत्त शर्तियों का प्रयोग करते हुए, इस सचिवालय की प्रधिसूचना क्रमांक-वी० पी० एस०/पी० य००-वी० सी०/७४ दिनांक 18-2-1975 के संस्थानीय तौर पर कि डा० आ० 8ी० पाल, कुलाधिपति, पंजाब विश्वविद्यालय, नियुक्ति की शर्तों के बारे में है, का भद्रपूर्ण संशोधन करते हैं।

१ संख्या (१) अब निम्न प्रकार से पढ़ा जायेगा :—

डा० आ० 8ी० पाल, नियुक्त आदाम के अधिकारी होंगे। उन्हें अब वह अपने निजी मकान में जाये गये हैं, इसलिए जिस तिथि से वह उस मकान में रहने लगे हैं उस तिथि से विश्वविद्यालय उसे किराये पर ले सकता है और वह मकान को दिया जा सकता है।

[क्रमांक-वी० पी० एस०/पी० य००-वी० सी०/७५]

विं० फ़ृडो

भारत के उपराष्ट्रपति, एवं पंजाब विश्वविद्यालय के कुलाधिपति के सचिव

VICE-PRESIDENT'S SECRETARIAT.

New Delhi, the 9th December, 1975

S.O. 1.—In exercise of the powers conferred by Section 10(3) of the Punjab University Act, 1947, the Chancellor of the Punjab University, Chandigarh, is pleased to revised item (iv) of this Secretariat Notification No. VPS/PU-VC/74 dated 18-2-1975, regarding the terms and conditions of Dr. R. C. Paul's appointment as Vice-Chancellor, Punjab University, Chandigarh.

The amended item (iv) will now read as under :—

(iv) Dr. R. C. Paul will be entitled to a rent-free house and since he has now shifted to his own house, that house may be taken on rent from the date of his occupation by the University and provided to Dr. Paul.

[No. VPS/PU-VC/75]  
V. PHADKE, Secy.

to the Vice-President of India  
and Chancellor, Punjab University.

मंत्रिमंडल सचिवालय

(कार्मिक और प्रशासनिक सुधार विभाग)

नई दिल्ली-18 दिसम्बर, 1975

का० आ० 2.—राष्ट्रपति, संविधान के अनुच्छेद 300 के परत्तुक प्रौढ़ अनुच्छेद 148 के क्षेत्र (५) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,

केन्द्रीय मिशन सेवा (अस्थायी सेवा) नियम, 1965 में और संशोधन करने के लिए, निम्नलिखित नियम बनाने हैं, अर्थात् :—

1. संवित नाम और प्रारम्भ :— (1) इन नियमों का नाम केन्द्रीय मिशन सेवा (अस्थायी सेवा) संशोधन (1975 का सं० 2) नियम, 1975 है।

(2) ये राजगत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. केन्द्रीय मिशन सेवा (अस्थायी सेवा) नियम, 1965 के नियम 1 में—

(क) उप नियम (3) के स्थान पर निम्नलिखित उपनियम रखा जाएगा, अर्थात् :—“(3) उपनियम (4) के उपबन्धों के अधीन रहने हुए ये नियम उन गमन अवक्तियों को लाग देंगे ।

(i) जो मिशन पद धारण किए हैं, जिसके अन्तर्गत वे सभी मिशनियन ग्राही हैं जो भारत सरकार के अधीन रक्षा सेवा प्राकलनों में से वेतन पाते हैं और जो राष्ट्रपति के नियम-निर्माण-नियंत्रण के अधीन हैं, किन्तु जिनका भारत सरकार या किसी राज्य सरकार के अधीन किसी पद पर कारणाधिकार या नियंत्रित धारणाधिकार नहीं है।

(ii) जो निर्धारित कर्म स्थापनों में अस्थायी रूप से नियोजित हैं और जिन्होंने पेशनी कायदों के लिए अपना विकल्प प्रकट किया है।

(अ) उपनियम (4) के बाद (३०) में “निर्धारित कर्म स्थापना” शब्दों के पश्चात् “उन अवक्तियों से भिन्न जो अस्थायी रूप से नियोजित हैं और जिन्होंने पेशनी कायदों के लिए अपना विकल्प प्रकट किया है” शब्द अन्तर्लापित किए जायेंगे।

[मर्या० 12011/4/74-स्था० (ग)]

जे० एल० अहलूतालिया, अवर सचिव,

#### CABINET SECRETARIAT

(Department of Personnel & Administrative Reforms)

New Delhi, the 18th December, 1975

**S.O. 2.**—Notice is hereby given by the Competent proviso to article 309, and clause (5) of article 148, of the Constitution, the President hereby makes the following rules further to amend the Central Services (Temporary Service) Rules, 1965, namely :—

1. (1) These rules may be called the Central Civil Services (Temporary Service) Amendment (No. II 1975) Rules, 1975.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 1 of the Central Civil Services (Temporary Service) Rules, 1975,—

(a) for sub-rule (3), the following sub-rule shall be substituted, namely :—

“(3) subject to the provisions of sub-rule (4), these rules shall apply to all persons—

(i) who hold a civil post including all civil posts held from the defence services estimates under the Government of India and who are under the rule-making control of the President, but who do not hold a lieutenancy or a suspended lieutenancy.

on any post under the Government of India or any State Government ;

(ii) who are employed temporarily in work-charged establishments and who have opted for pensionary benefits.”;

(b) in clause (e) of sub-rule (4), after the words “work-charged establishments”, the words “other than the persons employed temporarily and who have opted for pensionary benefits” shall be inserted.

[No. 12011/4/75-Ests. (C)]

J. S. AHLUWALIA, Under Secy.

#### विधि, न्याय तथा कार्य मंत्रालय

##### (न्याय विभाग)

###### नोटिस

नई दिल्ली, 19 दिसम्बर, 1975

का० आ० 3 इसके द्वारा, लेख्य प्रमाणक नियम (नोटरीज रूल्स), 1956 के नियम 6 के अनुसार, सक्षम प्राधिकारी द्वारा सूचना दी जाती है कि उक्त प्राधिकारी की श्री विधिसिंह काकर एडवोकेट, जलन्धर ने उक्त नियमों के नियम 4 के अधीन, जलन्धर में लेख्य प्रमाणक (नोटरीज) का काम करने की नियुक्ति के लिये आवेदन-पत्र भेजा है।

उक्त व्यक्ति की लेख्य प्रमाणक के रूप में नियुक्ति के बारे में यथि कोई आपत्तियां हों तो वे इस नोटिस के प्रकाशित होने के बीदह दिन के अन्दर नीचे स्तान्धर करने वाले को लिख कर भेज दिये जायें।

[रा० 22/17/7-न्याय]

आर० एल० परदीप, सक्षम प्राधिकारी

#### MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

(Department of Justice)

###### NOTICE

New Delhi, the 19th December, 1975

**S.O. 3.**—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Bachint Singh Kakar, Advocate, Jullundur for appointment as a Notary to practise in Jullundur.

Any objection to the appointment of the said as a Notary may be submitted in writing to the signed within fourteen days of the publication Notice.

[No. F. 22/17/75-J]

R. L. PRADEEP, Competent Auth

#### गृह मंत्रालय

(सक्षम प्राधिकारी का कार्यालय)

###### नोटिस

नई दिल्ली, 17 दिसम्बर, 1975

का० आ० 4.—इसके द्वारा, लेख्य प्रमाणक नियम (नोटरीज रूल्स), 1956 के नियम 6 के अनुसार, सक्षम प्राधिकारी द्वारा सूचना दी जाती

है कि उक्त प्राधिकारी की श्रीमती सुमति एड विलेन केट, बेलगाउर चिल्ड्रन्स्ट, बेलगाउर में उक्त नियमों के नियम 4 के प्रधीन, जिन बेलगाउर में लेख्य प्रमाणक (नोटरी) का काम करते की नियुक्ति के लिये प्राप्तेदेन पंत भेजा है।

उक्त व्यक्ति की लेख्य प्रमाणक के रूप में नियुक्ति के बारे में यदि कोई आपत्तियाँ हों तो वे इस नोटिस के प्रकाशित होने के चौदह दिन के अवधि नीचे हस्ताक्षर करने वाले को लिख कर भेज दिये जायें।

[मुद्रा 22/16/75-न्याय]  
प्रार० एस० प्रदीप, सभम प्राधिकारी

MINISTRY OF HOME AFFAIRS  
(Office of the Competent Authority)

## NOTICE

New Delhi, the 17th December, 1975

**S.O. 4.**—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Mrs. Sumati A. Patel, Advocate, Belgaum for appointment as a Notary to practise in the District of Belgaum (Karnataka).

Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 22/16/75-Jus]  
R. L. PRADEEP, Competent Authority.

RY 3, 1976/PAUSA 13, 1897

## वित्त मंत्रालय

(राजस्व और बीमा विभाग)

नई दिल्ली, 18 अक्टूबर, 1975

## प्रायकर

का० आ० 5.—केन्द्रीय सरकार, आप०-कर अधिनियम, 1961 (1961 का 43) की धारा 80G की उपकारा (2) (ब) द्वारा प्रदत्त एक्तियों का प्रयोग करते हुए श्री रानी सती जी मंदिर, जूम्हुनु को राजस्थान राज्य के भीसूर सर्वत्र विषयात लोक पूजा का स्थान प्रधिसूचित करती है।

[मा० 1134 (का० स० 176/45/74-II) (ए-1)]  
एस० शास्त्री, अवर सचिव

## MINISTRY OF FINANCE

(Department of Revenue & Insurance)

New Delhi, the 18th October, 1975

## INCOME-TAX

**S.O. 5.**—In exercise of the powers conferred by sub-section (2) (b) of Section 80G of the Income-Tax Act, 1961, (43 of 1961) the Central Government hereby notifies Shri Rani Satiji Mandir Jhunjhunu to be a place of public worship of renown throughout the State of Rajasthan for the purposes of the said Section.

[No. 1134 (F. No. 176/45/74-IT(AI)]  
M. SHASTRI, Under Secy.

## भारतीय रिजर्व बैंक

## (बैंकिंग विभाग)

नई दिल्ली, 12 दिसम्बर, 1975

का० आ० 6.—भारतीय रिजर्व बैंक अधिनियम, 1934 के अनुसरण में विभाग, 1975 के विनांक 5 को ममाल हुए सत्राह के लिए लेखा

## बैंक विभाग

विभाग	रुपये	रुपये	प्राप्तियाँ	रुपये	रुपये
बैंकिंग विभाग में रखे हुए नोट	16,12,03,000		सोने का सिक्का और चुनियाँ:-		
			(क) भारत में रखा गुमा	182,32,56,000	
			(ख) भारत के बाहर रखा		
			गुमा	..	
संचालन में सोट	6421,16,27,000		विदेशी प्रतिभूतियाँ	121,73,97,000	
			जोड़		304,26,53,000
जारी किये गये कुल नोट	6437,28,30,000		रुपये का सिक्का		12,61,57,000
			भारत सरकार की रुपया प्रति-		
			भूतियाँ		6120,40,20,000
			देशी विनियम दिल भाँति और		
			वाणिज्य-पत्र		
कुल देवलाहां	6437,28,30,000		कुल प्राप्तियाँ		6437,28,30,000

विनांक: 10 दिसम्बर, 1975

एस० एस० शिरामकर, उप-गवर्नर

5 जिसम्बर, 1975 को भारतीय रिजर्व बैंक के बैंकिंग विभाग के कार्यकलाप का विवरण

देयताएँ	रुपये	आस्तीयां	रुपये
चुक्ता पूँजी	5,00,00,000	नोट	16,12,03,000
प्रारंभित निधि	150,00,00,000	रुपये का सिक्का	3,20,000
राष्ट्रीय कृषि ऋण		छोटा सिक्का	4,33,000
(दीर्घकालीन प्रबर्तन) निधि	334,00,00,000	खरीद और खुनाये गए बिल :	
राष्ट्रीय कृषि ऋण		(क) देशी	118,32,62,000
(स्थिरीकरण) निधि	140,00,00,000	(ख) विदेशी	..
राष्ट्रीय औद्योगिक ऋण		(ग) गरजारी खजाना बिल	329,33,39,000
(दीर्घकालीन प्रबर्तन) निधि	390,00,00,000	विदेशों में रखा हुआ बकाया*	828,73,44,000
जमा राशियाँ:—		निवेश**	961,22,21,000
(क) सरकारी :		ऋण और अधिक्रम :—	
(i) केन्द्रीय सरकार	55,44,70,000	(i) केन्द्रीय गवर्नर को	..
(ii) राज्य सरकारें	8,34,93,000	(ii) राज्य सरकारों को	109,44,94,000
(ख) बैंक :		ऋण और अधिक्रम :—	
(i) अनुसूचित बाणिज्य बैंक	628,16,95,000	(i) अनुसूचित बाणिज्य बैंकों को	305,52,70,000
(ii) अनुसूचित राज्य सहकारी बैंक	21,08,57,000	(ii) राज्य सहकारी बैंकों को (iii)	368,24,48,000
(iii) गैर-अनुसूचित राज्य सहकारी बैंक	1,71,90,000	(iii) दूसरों को	12,75,51,000
(iv) अन्य बैंक	54,05,000	राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबर्तन) निधि से ऋण, अधिक्रम और निवेश।	
		(क) ऋण और अधिक्रम :—	
		(i) राज्य सरकारों को	69,58,74,000
		(ii) राज्य सहकारी बैंकों को	12,82,71,000
		(iii) केन्द्रीय भूमिक्षणक बैंकों को	
		(iv) कृषि पुनर्वित निगम को	86,70,00,000
(ग) अन्य	1320,31,80,000	(v) केन्द्रीय भूमिक्षणक बैंकों के डिवेंचरों में निवेश	10,60,12,000
		राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और अधिक्रम	
		अधिक्रम और निवेश :	
		(क) विकास बैंक को ऋण और अधिक्रम	337,99,56,000
		(ख) विकास बैंक द्वारा जारी किये गये बोडों/डिवेंचरों में निवेश	..
देय बिल	183,66,77,000	राज्य सहकारी बैंकों को ऋण और अधिक्रम	94,67,41,000
		राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रबर्तन) निधि से ऋण, अधिक्रम और निवेश :	
		(क) विकास बैंक को ऋण और अधिक्रम	337,99,56,000
		(ख) विकास बैंक द्वारा जारी किये गये बोडों/डिवेंचरों में निवेश	..
अन्य देयताएँ	777,63,91,000	अन्य आस्तीयां	353,76,19,000
रुपये	4015,93,58,000	रुपये	4015,93,58,000

\* नकदी, आवधिक जमा और अल्पकालीन प्रतिभूतियाँ शामिल हैं।

\*\* राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबर्तन) निधि और राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रबर्तन) निधि में से किये गये निवेश शामिल नहीं हैं।

† राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबर्तन) निधि से प्रबल ऋण और अधिक्रम शामिल नहीं हैं, परन्तु राज्य सरकारों को दिये गये अस्थायी औबवरद्राघट शामिल हैं।

‡ भारतीय रिजर्व बैंक अधिनियम की धारा 17 (4) (ग) के अधीन अनुसूचित बाणिज्य बैंकों को मोयारी बिलों पर अधिक्रम दिये गये 98,92,50,000 रुपये शामिल हैं।

@ राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबर्तन) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रबल ऋण और अधिक्रम शामिल नहीं हैं।

विनांक : 10 जिसम्बर, 1975।

एस० एस० शिरातकर, उप-मंत्री

[स० का० 10 (1)/75-बी० ओ०-I]

च० व० भीरजन्दानी, प्रवर मन्त्री

(Banking Deptt.)

## RESERVE BANK OF INDIA

New Delhi, the 12th December, 1975

S.O. 6. -An Account pursuant to the RESERVE BANK OF INDIA ACT, 1934, for the week ended the 5th day of December, 1975.

## ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	16,12,03,000		Gold Coin and Bullion :		
Notes in circulation	6421,16,27,000		(a) Held in India	182,52,56,000	
Total notes issued	6437,28,30,000		(b) Held outside India		
			Foreign Securities	121,73,97,000	
			Total		304,26,53,000
			Rupee Coin		12,61,57,000
			Government of India Rupee Securities		6120,40,20,000
			Internal Bills of Exchange and other commercial paper		
<b>Total Liabilities</b>	<b>6437,28,30,000</b>		<b>Total Assets</b>		<b>6437,28,30,000</b>

Dated the 10th day of December 1975

S.S. SHIRALKAR, Dy. Governor

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 5th December, 1975

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	16,12,03,000
Reserve Fund	150,00,00,000	Rupee Coin	3,20,000
National Agricultural Credit (Long Term Operations) Fund	334,00,00,000	Small Coin	4,33,000
National Agricultural Credit (Stabilisation) Fund	140,00,00,000	Bills Purchased and Discounted	
National Industrial Credit (Long Term Operations) Fund	390,00,00,000	(a) Internal	118,32,62,000
Deposits :—		(b) External	329,33,39,000
(a) Government : (i) Central Government	55,44,70,000	(c) Government Treasury Bills	828,73,44,000
(ii) State Governments	8,34,93,000	Balances Held Abroad*	961,22,21,000
(b) Banks : (i) Scheduled Commercial Banks	628,16,95,000	Investments**	
(ii) Scheduled State Co-operative Banks	21,08,57,000	Loans and Advances to	
(iii) Non-Scheduled State Co-operative Banks	1,71,90,000	(i) Central Government	109,44,94,000
(iv) Other Banks	54,05,000	(ii) State Governments@	305,52,70,000
(c) Others	1320,31,80,000	(iii) Others	368,24,48,000
Bills Payable	183,66,77,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	12,75,51,000
Other Liabilities	777,63,91,000	(a) Loans and Advances to	
		(i) State Governments	69,58,74,000
		(ii) State Co-operative Banks	12,82,71,000
		(iii) Central Land Mortgage Banks	86,70,00,000
		(iv) Agricultural Refinance Corporation	
		(b) Investment in Central Land Mortgage Bank Debentures	10,60,12,000
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
		Loans and Advances to State Co-operative Banks	
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	94,67,41,000
		(a) Loans and Advances to the Development Bank	
		(b) Investment in bonds/debentures issued by the Development Bank	337,99,56,000
		Other Assets	353,76,19,000
			4015,93,58,000

\*Includes Cash, Fixed Deposits and Short-Term Securities.

\*\*Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† Includes Rs. 98,92,50,000/- advanced to scheduled commercial banks against usance bills under section 17(4)(c) of the Reserve Bank of India Act.

‡ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 10th day of December, 1975

S. S. SHIRALKAR, Dy. Governor  
[No. F 10(1)/75-BOU]

C. W. MIRCHANDANI, Under Secy.

नई दिल्ली, 18 दिसम्बर, 1975

का० आ० 7.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, प्रत्येक धारा यह घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपर्यन्थ 31 अक्टूबर, 1974 से 29 फरवरी, 1976 तक की अवधि के लिए स्थितिक जनता सहकारी बैंक लिमिटेड, बम्बई पर लागू नहीं होगे।

[सं० एफ० 8/4/75-ए० सी०]

इनी केश गुहा, अवर सचिव

New Delhi, the 18th December, 1975

S.O. 7.—In exercise of the powers conferred by section 53 read with section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Swastik Janata Sahakari Bank Ltd., Bombay for the period from 31 October, 1974 to 20 February, 1976.

[No. F. 8/4/75-AC]

H. K. GUHA, Under Secy.

## समाहर्ता कार्यालय केन्द्रीय उत्पाद शुल्क

गुन्टूर, 23 अक्टूबर, 1975

केन्द्रीय उत्पाद शुल्क

का० आ० 8.—1944 की केन्द्रीय उत्पाद शुल्क नियमावली के 5वें नियम के अधीन प्रवत्त शक्तियों का प्रयोग करते हुए मैं नीचे दी गई सारणी के स्तर 2 में उपवासित पद के सभी अधिकारियों को अपने-अपने अधिकार क्षेत्र में उक्त सारणी में स्तर 3 में बताए गए नियमों के अन्तर्गत और स्तर 4 में निर्विट शर्तों पर सीमाओं के अधीन, यदि कोई हो, तो समाहर्ता की शक्तियों के प्रयोग का अधिकार प्रदान करता हूँ।

सारणी

कम सं० अधिकारी का केन्द्रीय उत्पाद शुल्क शर्तें और सीमाएं  
पदनाम नियम सं०

1	2	3	4
1. सहायक समाहर्ता	82-ब (2) स्टॉफी- करण (क)	—	—
	92-ब (3)	7 दिन से कम अवधि का सोटिस स्वीकार करना	—

[प्रधिसूचना सं० 4/75 सी० सं० IV/8/1/75-एम० पी०-2]

Office of the Collector of Central Excise

Guntur, the 23rd October, 1975

CENTRAL EXCISE

S.O. 9.—In exercise of the powers vested in me under rule 5 of the Central Excise Rules, 1944, I empower all the Officers of the rank mentioned in column 2 of the Table appended below to exercise within their respective jurisdictions the powers of the Collector under rules mentioned against each in column 3 of the said Table subject to conditions and limitations, if any, indicated in column 4 thereof :—

## TABLE

Sl. No.	Designation of the Officer	Central Excise Rule No.	Conditions and limitations
1	2	3	4
1.	Assistant Collector	92B(2) Explanation (d). 92B(3)	To accept notice shorter than 7 days.

[Notification No. 4/75-CE—C. No. IV/8/1/75 MP. 2]

का० आ० 9.—1944 की केन्द्रीय उत्पाद शुल्क नियमावली के 5वें नियम के अन्तर्गत प्रवत्त शक्तियों का प्रयोग करते हुए मैं एतद् द्वारा नियम देता हूँ कि उपवासित सारणी के स्तरम् म विनियिट, समाहर्ता, केन्द्रीय उत्पाद शुल्क, गुन्टूर की अधिसूचना में, उक्त स्तरम् के सामने, कथित सारणी के स्तरम् 3 की तरसंबंधी प्रविष्टि में बताए गए ढंग से संशोधन किया जाएगा।

सारणी

कम सं० अधिसूचना की संख्या	संशोधन
1	2

1 1/71  
विताक 4-6-71 कथित प्रधिसूचना में नियम 189-A के स्तरम् 3 के अन्तर्गत दिए गए शब्द “प्रशीक्षक, सीमा शुल्क गृह, काकीनाडा” के स्थान पर “सहायक समाहर्ता, राजमूद्रा” शब्द प्रतिस्थापित किए जाएं।

यह प्रधिसूचना विताक 1-11-75 से प्रभावी है।

[प्रधिसूचना सं० 5/75 सी० सं० IV/18/1/75-एम० पी०-2]  
आई० जे० राव, समाहर्ता

S.O. 9.—In exercise of the powers conferred upon me under rule 5 of the Central Excise Rules, 1944, I hereby direct that the notification of the Collector of Central Excise, Guntur as specified in Column No. 2 of the Table hereto annexed shall be amended in the manner indicated against it in the corresponding entry in column 3 of the said Table.

## TABLE

S.No. Notification No. & Date Amendment

1	2	3
1.	1/71 dated 4-6-71	In the said notification for the words “Superintendent, Custom House, Kakinada” under Col. 3 of Rule 189-A, the words “Assistant Collector, Rajahmundry” may be substituted.

This notification takes effect from 1-11-1975.

[Notification No. 5/75-CE—C. No. IV/8/1/75 MP. 2]

L. J. RAO, Collector

## वारिंग्र भंगाल

मूल्य नियंत्रक, आयात-नियंत्रित का कार्यालय,  
आवेदन

नई दिल्ली, 12 दिसम्बर, 1975

का० आ० 10.—सर्वेत्री एि मैमूर गुग्ग का० लि०, श्री जयचामराजा वादियर रोड, बंगलौर को सामान्य मुद्रा अंत्र से "फायत् पुजौ" के आयात के लिए 16,500 रु० मूल्य का एक आयात लाइसेंस संख्या: पी/डी/2193875/ दिनांक 20-7-73 प्रवाल किया गया था। उन्होंने उक्त लाइसेंस की मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल मुद्रा विनिमय नियंत्रण प्रति लो गई है। उन्होंने यह भी उल्लेख किया है कि विषयाधीन लाइसेंस की मुद्रा विनिमय नियंत्रण प्रति का 4,441 रुपये का उपयोग करना आवश्यक रहते हुए 12,056 रुपये का उपयोग करने के बाद लो गई थी।

2. अपने तर्क के समर्थन में आवेदक ने एक शपथपत्र दाखिल किया है। अधोहस्ताकारी संतुष्ट है कि लाइसेंस संख्या: पी/डी/2193875, विनांक 20-7-73 की मूल मुद्रा विनिमय नियंत्रण प्रति लो गई है और निदेश देता है कि इसकी अनुलिपि प्रति उनको जारी की जानी चाहिए। उपर्युक्त लाइसेंस की मूल मुद्रा विनिमय नियंत्रण प्रति रद्द की जाती है।

[संख्या : सी एच/एम-25(1)/ए एम-74/आर एम-3/2459]  
ए० एन० चटर्जी, उप-मुख्य नियंत्रक

## MINISTRY OF COMMERCE

(Office of the Chief Controller of Import and Exports)

## ORDER

New Delhi, the 12th December, 1975

**S.O. 10.**—M/s. The Mysore Sugar Co. Ltd., Shri Jayachamaraja Wadiyar Road, Bangalore, were granted import licence No. P/D/2193875 dated 20-7-1973 for Rs. 16,500 for Import of "Spare Parts" from C.C.A. They have requested for the issue of duplicate Exchange Control Copy of the said licence on the ground that the original Exchange Control Copy of the licence has been lost. It has further been stated that the Exchange Copy of the licence in question was lost after utilising for Rs. 12,056/- leaving the un utilised balance for Rs. 4,444/-.

2. In support of their Contention, the applicant has filed an affidavit. The undersigned is satisfied that the Original Exchange Control Copy of licence No. P/D/2193875 dated 20-7-1973 has been lost and direct that duplicate Exchange Control Copy of the said licence should be issued to them. The Original Exchange Control Copy of the above licence is cancelled.

[Ref. No. Ch./M-25(1)/A.M. 74/R.M. 3/2459]

N. N. CHATTERJI, Dy. Chief Controller

## आवेदन

नई दिल्ली, 17 दिसम्बर, 1975

का० आ० 11.—सर्वेत्री मोदी रबड़ लि०, मोदीनगर, उत्तर प्रदेश को टायरों, ट्यूब्स और फ्लोपी के आयात के लिए सामान्य मुद्रा क्षेत्र के अधीन 10,2,000 रुपये मूल्य का एक सीमाशुल्क निकासी परमिट संख्या पी/प्राई/3032980/ जे/एन० 4/एच/33-34 दिनांक 25-8-72 प्रवाल किया गया था।

2. कर्म ने उपर्युक्त सीमाशुल्क निकासी परमिट की सीमाशुल्क प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क के निकासी परमिट उनसे लो गया है। लाइसेंसधारी द्वारा यह भी सूचना दी गई है कि लाइसेंस का उपयोग नहीं किया गया था। लाइसेंस बम्बई पत्रन से पंजीकृत कराया था।

अपने तर्क के समर्थन में आवेदकों ने एक शपथ पत्र दाखिल किया है। अधोहस्ताकारी संतुष्ट है कि मूल सीमाशुल्क निकासी परमिट संख्या पी/प्राई/3032980 दिनांक 25/8/72 द्वा० गया है और निदेश देता है कि इस की अनुलिपि प्रति आवेदक को जारी की जानी चाहिए मूल सीमाशुल्क निकासी रद्द किया जाता है।

सीमाशुल्क निकासी परमिट की अनुलिपि प्रति अवग से जारी की जा रही है।

[संख्या-रबड़/39(1)/72-73/आर एम-2]

## ORDER

New Delhi, the 17th December, 1975

**S.O. 11.**—M/s. Modi Rubber Ltd., Modinagar, U.P., were granted CCP No. P/I/3032980/J/N/44/H/33-34 dated 25-8-1972 under G.C.A. for Rs. 102,000 only for import of Tyres Tubes & Flaps.

2. The firm have requested for the issue of duplicate Customs Purpose Copy of the above said CCP on the ground that the original CCP has been lost by them. It has been further reported by the licensee that the CCP had an unutilized balance of Rs. 40,675. Only licence was registered with Bombay Customs.

3. In support of their contention, the applicants have filed an affidavit. The undersigned is satisfied that the original CCP No. P/I/3032980 dated 25-8-1972 has been lost and directs that a Duplicate Copy of the said CCP should be issued to the applicant. The original CCP is cancelled.

4. The Duplicate Copy of CCP is being issued separately..

[No. Rubber/39(1)/72-73/RM.II]

## आवेदन

का० आ० 12.—सर्वेत्री मिल्कानिया एंड लक्ष्मण लि०, 68/2, नजफगढ़ रोड, नई दिल्ली को नुसिखल्स के आयात के लिए डच ब्रेडिट के अन्तर्गत 76,400 रुपये मूल्य का एक आयात लाइसेंस संख्या पी/डी/1408015/आर/एन० 4/एच/37-38, दिनांक 7-2-75 प्रवाल किया गया था।

कर्म है उपर्युक्त लाइसेंस की सीमाशुल्क निकासी और मुद्रा विनिमय नियंत्रण प्रतियों की अनुलिपि प्रतियों जारी करने के लिए इस आधार पर आवेदन किया है कि मूल प्रतियों उनसे अस्वानस्थ हो गई हैं। लाइसेंसधारी द्वारा यह भी सूचना दी गई है कि लाइसेंस का उपयोग नहीं किया गया था। लाइसेंस बम्बई पत्रन से पंजीकृत कराया था।

अपने तर्क के समर्थन में आवेदकों ने एक शपथ पत्र दाखिल किया है। अधोहस्ताकारी संतुष्ट है कि आयात लाइसेंस सं० पी/डी/1408015, दिनांक 7-2-75 मूल सीमाशुल्क निकासी और मुद्रा विनिमय प्रतियों लो गई हैं और निदेश देता है कि इनकी अनुलिपि प्रतियों आवेदक को जारी की जानी चाहिए। मूल सीमाशुल्क निकासी प्रति और मुद्रा विनिमय नियंत्रण प्रति रद्द की जाती है।

लाइसेंस की सीमाशुल्क निकासी और मुद्रा विनिमय नियंत्रण प्रतियों की अनुलिपि प्रतियों अवग से जारी की जा रही हैं।

[संख्या लेखा/11(3)/73-74/आर एम-2]

आ० 11. दी० चूनकल, उप-मुख्य नियंत्रक  
कुर्स-मुख्य नियंत्रक

## ORDER

**S.O. 12.**—M/s. Sylvania & Luxman Ltd., 68/2, Najafgarh Road, New Delhi were granted Import Licence No. P/D/1408015/R/NE/54/H/37-38 dated 7-2-1971 under Dutch Credit for Rs. 76,400 only for import of Crucibles.

2. The firm have requested for the issue of duplicate Customs Purposes Copy & Exchange Copy of the above said licence on the ground that the original Customs Purposes Copy & Exchange Purposes Copy has been misplaced by them. It has been further reported by the licensee that the licence had not been utilized. The licence was registered with Bombay Port.

3. In support of their contention, the applicants have filed an affidavit. The undersigned is satisfied that the original Customs Purposes Copy and Exchange copy of Import Licence No. P/D/1408015 dated 7-2-1975 has been lost and directs that a Duplicate Customs Purposes & Exchange Copy of the said licence should be issued to the applicant. The original Customs Purposes Copy and Exchange Purposes Copy is cancelled.

4. The Duplicate Customs Purposes Copy & Exchange Customs Purposes Copy of the licence is being issued separately.

[No. Lamp./11(3)/73-74/RM.II]

I. V. CHUNKATH, Dy. Chief Controller,  
for Chief Controller

संयुक्त मुद्रा नियंत्रक आयात नियंत्रित का कार्यालय

बम्बई, 11 जून, 1174

का० आ० 13.—सर्वेश्वी एथनर लिंग, द्वारा जानसन एन्ड जोतगत लिंग, लाल बहादुर शास्त्री मार्ग, मुलन्द, बम्बई-८० को अग्रील-मार्च, 74 की रेकॉर्ड नं० 2 में वो० 11.1 के मामने प्रदर्शित गदों के आयात के लिए 4,804 रुपये (वार हजार आठ भी चार रुपये मात्र) मूल्य का एक अनुपरक लाइसेंस संचाला : पी/एल/2672085, दिनांक 13-८-७३ प्रदान किया गया है। उन्होंने उक्त लाइसेंस की सीमाणुल्क निकासी प्रति की अनुलिपि के लिए हम आधार पर आवेदन किया है कि मूल सीमाणुल्क निकासी प्रति किसी भी सीमाणुल्क प्राधिकरण में पंजीकृत किए बिना और बिल्डल भी उपयोग किए बिना खो गई है या अस्थानस्थ हो गई है। अपने दाये के समर्थन में आवेदकों ने नोटरी, भारत संघ, बम्बई के भास्मने विधिवत, शास्त्र लेकर एक शपथपत्र दाखिल किया है।

2. मैं संतुष्ट हूँ कि अनुपरक लाइसेंस संचाला पी/एल/2672085, दिनांक 23-८-७३ की मूल सीमाणुल्क निकासी प्रति खो गई/अस्थानस्थ हो गई है और निवेश देता हूँ कि इसकी अनुलिपि आवेदक कर्म की जारी की जाए।

3. लाइसेंस की मूल सीमाणुल्क निकासी प्रति रद्द की गई समझी जाती है।

[मिसिल नंबर : 916/25846/ए० एम०-७३/२४/११-७२/एल०/६० पी० एम० सी-आर० बी० ए०/९७८-से आयी]

एम० एम० नादरकरणी, उप-मुद्रा नियंत्रक,  
द्वारा संयुक्त मुद्रा नियंत्रक,

Office of the Jt. Chief Controller of Imports and Exports

Bombay, the 11th June, 1974

S.O. 13.—M/s. Ethnor Limited, C/o Jhonsen & Jhonsen Ltd., Lal Bahadur Shastri Marg, Mulund, Bombay-80 have been granted Supplementary Licence No. P/L/2672085 dated 13-8-1973 for Rs. 4804 (Rs. Four thousand eight hundred & four only) for import of items shown against B. 11.1 in Volume II of the AM. 74 Red Book. They have applied for the duplicate copy of Customs Purposes copy of the said licence on the ground that the original has been lost or misplaced without have been registered with any Customs authority and not utilised at all. In support of their claim, the applicants have filed an affidavit duly sworn in before the Notary, Union of India, Bombay.

2. I am satisfied that the original Customs Purposes copy of the supplementary licence No. P/L/2672085 dated 13-8-1973 has been lost/misplaced and direct that a duplicate of Customs Purposes copy of the licence be issued to the applicant firm.

3. The original Customs Purpose copy of the licence is treated as cancelled.

[Issued from file No. 916/25946/AM. 73/24.11-72/L/EPSC

IVA/978]

M. S. NADKARNI, Dy. Chief Controller  
for Jt. Chief Controller

उप-मुद्रा नियंत्रक, आयात-नियंत्रित का कार्यालय,

प्रावेश

हैदराबाद, 29 मिन्हम्बर, 1975

का० आ० 14.—सर्वेश्वी नवभारत इंडस्ट्रीज, 19-३-७५, आजट-साहू बाजीबन्द, हैदराबाद-२, को सामान्य मुद्रा भेत्र से (1) अग्रील-मार्च, 74 नीति के अनुमार, भारतीय से भिन्न, प्राकृतिक सगन्ध तेजों की अनुमेय किम्बे, 2500/-रुपये (शे द्वारा पांच गो रुपये मात्र) तक श्रीर (2) यिमोल 1000/-रुपये (एक हजार रुपये मात्र) तक के आयात के लिए सर्वेश्वी रतन इंडस्ट्रीज, हैदराबाद के नाम में प्राधिकार पत्र के साथ एक आयात लाइसेंस संचाला : पी/एल/1743377/सी/एक्सएक्स/50/उल्लू/३७-३८, दिनांक 4-३-७४ मूल्य 3500/-रुपये के लिए प्रदान किया गया था।

उन्होंने प्राधिकारपत्र की सीमाणुल्क निकासी प्रति के साथ लाइसेंस की सीमाणुल्क प्रति की प्रनुलिपि के लिए इस आधार पर आवेदन किया है कि मूल लाइसेंस विलकून भी उपयोग किए बिना प्राधिकार पत्र के साथ खो गया है।

अपने तर्क के समर्थन में उन्होंने एक शपथपत्र दाखिल किया है। मैं संतुष्ट हूँ कि लाइसेंस की मूल सीमाणुल्क निकासी प्रति खो गई/अस्थानस्थ हो गई है और निवेश देता हूँ कि इसकी अनुलिपि प्रतियां आवेदक को जारी की जानी चाहिए। लाइसेंस की मूल सीमाणुल्क निकासी प्रति एतद् द्वारा रद्द की जाती है।

[संचाला एन-8/एसएसआई/एनपी/एम-74/000781/हैद]

को० एम० आर० मेनन उप-मुद्रा नियंत्रक

Office of the Deputy Chief Controller of Imports & Exports

ORDER

Hyderabad, the 29th September, 1975

S.O. 14.—M/s. Nava Bharath Industries, 19-3-575, Outside Gazibanda, Hyderabad-2 were granted an import licence No. P/S/1743377/C/XX/50/W/37-38 dated 4-3-1974 for Rs. 3,500 for the items (1) Permissible varieties of Natural Essential Oils as per April-March 1974 policy other than canalised upto Rs. 2,500 (Rupees two thousand & five hundred only) and (2) Thymol allowed upto Rs. 1,000 (Rupees one thousand only) from General Currency Area with Letter of Authority in favour of M/s. Ratan Industries, Hyderabad.

They have applied for a duplicate copy of the Customs Purposes copy of the licence with Customs Purposes copy of Letter of Authority on the ground that the original licence with Letter of Authority has been lost without having been utilised at all.

In support of their contention they have filed an affidavit. I am satisfied that the original Customs Purposes copy of the licence with Letter of Authority is lost and direct that a duplicate Customs Purposes copy of the licence with Letter of Authority (Customs copy only) should be issued to the applicant. The original Customs Purposes copy of the licence is hereby cancelled.

[No. N. 8/SSI/NP/AM/74/000781/Hyd.]

K. M. R. MENON, Dy. Chief Controller.

## इस्पात और खान मंत्रालय

## (खान विभाग)

नई दिल्ली, 3 दिसम्बर, 1975

का० आ० 15.—मार्विनिक परिसर (अनधिकृत अधिकारियों की शैक्षणी) प्रतिनियम, 1971 (1971 का 40) की आगे 3 द्वारा प्रदन अधिकारियों का प्रयोग करने वाले तथा इस्पात और खान मंत्रालय (खान विभाग) में भारत सरकार की अधिकृतता संभवा का० 1033, दिनांक 13 प्रैवैत, 1972 के अधिकारण से केंद्र गरकार, पव० द्वारा, हिन्दुस्तान जिक लिमिटेड, उदयपुर, नं १५ नियमित प्राधिकरण है, कि नियमांकित मार्यानी में उल्लिखित अधिकारियों को उनके नामकरण के गतिवित अधिकारियों के योक्तुक अधिकारी वैत के नामे कवित अधिकृतियम के नियमानन थे तिए मार्यानी अधिकारी विवृत करनी है, जो कवित हिन्दुस्तान जिक लिमिटेड के आर्विनिक परिसर के सबसे में विवृत मार्यानी के कालम-२ में प्रयोग नामों के आगे उल्लिखित स्थानीय क्षेत्र के अन्तर्गत उक्त उन मर्यानी अधिकारियों का प्रयोग करने वाले कार्य करेंगे जो उक्त अधिकृतियम के द्वारा अनुमति उनके अन्तर्गत सम्पदा अधिकारियों को मिले गए हैं।

## मार्यानी

अधिकारियों के नाम

स्थानीय अधिकारी की वैत

1

2

उप महाप्रबन्धक, जावर खाने मिला उदयपुर (राजस्थान) में तहसील गिरवा के ग्राम जावर, टिडी तथा प्रमरपुरा तथा तहसील गारदा के ग्राम भलारिया, सिंगतवाड़ा और रीता ताली में स्थित जावर ग्रृण की खाने।

उप महाप्रबन्धक, जसना प्रदा- ग्राम प्रदावक जिसमें उदयपुर जिले (राजस्थान) के तहसील गरवा के ग्राम देबरी तथा बिचडी तथा तहसील मावली के ग्राम गुड़नी में जसना प्रदावक व रिहायणी कालोनी और खुली भूमि तथा ग्राम टन्डू में सीमा प्रदावक के अन्तर्गत अन्य परिसर।

कारखाना अधीक्षक भीग। मम्पूर भीग। प्रदावक, जिला धनबाद (बिहार) के पी० प० म० भागमेरा में उप-मृदूल भागमेरा में विभिन्न भूक्तन, रिहायणी कालोनी और खुली भूमि तथा ग्राम टन्डू में सीमा प्रदावक के अन्तर्गत अन्य परिसर।

वरिष्ठ प्राणान अधिकारी, उदयपुर शहर (राजस्थान) में स्थित मुख्यालय भूमि कोपनी के प्रशासन कार्यालय के भवन, कवर्टर, गेंभट खाड़ग तथा कार्यालय परिसर।

प्रस्तोता प्रबन्धक, भातीन जिला उदयपुर (राजस्थान) में तहसील गिरवा के ग्राम भातीन, धरनपुर तथा लाकरवाम में स्थित भातीन खाने।

प्रस्तोता प्रबन्धक, राजपुरा-दरोना खाने। राजस्थान के उदयपुर जिले में तहसील खपसान के ग्राम दरीवा, राजपुरा, अजना, महेन्द्रनिया तथा चिरोड़गढ़ जिले, तहसील कलमान के चक-पालिया में स्थित राजपुरा-दरीवा ग्रृण की खाने।

1 मुख्य परियोजना प्रबन्धक, विशाखापटनम जिले (आंध्र प्रदेश) के मिन्डी जला प्रदावक, त्रिशूला-पटनम। 2 तथा मुत्तागाड़ा ग्रामों में गम्पूर्ण प्रदावक, दिहायणी कालोनी तथा खुली भूमि और अन्य परिसर।

[फ०३८ सं० ३ (९) /७२-प्रात-२]

महेन्द्र स्टेल्स भट्टाचार्य, उप-मंत्रिव

## MINISTRY OF STEEL AND MINES

Department of Mines

New Delhi, the 3rd Dec., 1975

S.O. 15.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), and in supersession of the notification of the Government of India in the Ministry of Steel and Mines, (Department of Mines) number S.O. 1033 dated the 13th April, 1972, the Central Government hereby appoints the officers of Hindustan Zinc Limited, Udaipur, a corporate authority, mentioned in column 1 of the Table below, being Officers equivalent to the rank of gazetted officers of Government, to be estate officers for the purposes of the said Act who shall exercise the powers conferred and perform the duties imposed, on estate Officers by or under the said Act within the local limits of their respective jurisdictions specified in the corresponding entries in column 2 of the said Table in respect of public premises belonging to the said Hindustan Zinc Limited.

## TABLE

Designation of officers	Local limits of jurisdiction
1	2
Deputy General Manager, Zawar Group of Mines located in village Zawar, Tidi and Amarpara, tehsil Girwa and villages Bhalaria, Singatwara and Rewa-Tali, Tehsil Sarada of District Udaipur (Rajasthan).	
Deputy General Manager, Zinc Smelter including the residential colony, buildings and open area and land and other premises under the Zinc Smelter in villages Debari and Bichdi in Tehsil Girwa and village Gudli in Tehsil Mavli, District Udaipur (Rajasthan).	
Factory Superintendent, Lead Smelter, Tundoo.	Complete Lead Smelter, its various buildings, residential colony and open land and other premises under the Lead Smelter in village Tundoo, Sub-Division Bhagmera, P.S. Bhagmera of District Dhanbad (Bihar).
Senior Administrative Officer, Head Office.	Head Office Building, quarters, Guest Houses and office premises of the Company at Headquarters located in Udaipur City (Rajasthan).
Project Manager, Maton Mines.	Maton Mines located in villages Maton, Kanpur and Lakarvas of Tehsil Girwa, District Udaipur (Rajasthan).
Project Manager, Rajpura Dariba Mines.	Rajpura-Dariba Group of Mines located in villages Dariba, Rajpura, Anjana, Mahenduria of Tehsil Kapan, District Udaipur and Chak-Papadia of Tehsil Kapan, District Chittorgarh (Rajasthan).

1

2

Chief Project Manager, Zinc Smelter, Visakhapatnam.

Complete Zinc Smelter, residential colony and open land and other premises in villages Mindi and Mulagada, District Visakhapatnam (Andhra Pradesh).

[F. No. 3(8)/72-Met.II]  
M.S. BHATNAGAR, Dy. Secy.

(इस्पात विभाग)

नई दिल्ली, 15 दिसम्बर 1975

का० प्रा० 16.—केन्द्रीय सरकार, सरकारी स्थान (अधिभूत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त अधिकारी का प्रयोग करते हुए, भारत के राजपत्र, भाग 2, खंड 3 (ii) तारीख 15 मिस्रबर, 1973 के पुस्तक 3071/3072 पर प्रकाशित भारत सरकार के इस्पात और आनंद मंत्रालय (इस्पात विभाग) की अधिसूचना सं० का०प्रा० 2597 तारीख 16 अगस्त, 1973 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, मारणी में, मद 2 के सामने स्थान 1 में की प्रक्रिया में, "प्रणासन अधिकारी" शब्दों के स्थान पर "सहायक कार्मिक प्रबंधक" शब्द रखे जाएंगे।

[का० सं० 3(9)/72-एम०शाई०वी-प्राई०म०]

प्रार० के० डॉ० डांग, निदेशक

(Department of Steel)

New Delhi, the 15th Dec., 1975

S.O. 16.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Steel and Mines (Department of Steel) No. S.O. 2597 dated the 16th August, 1973, published on page 3072 of the Gazette of India, Part II Section 3(ii) dated the 15th September, 1973, namely :—

In the said notification, in the Table, against item 2 in the entry in column 1, for the words "Administrative Officer", the words "Assistant Personnel Manager" shall be substituted.

[F. No. 3(9)/72-MIV-IOM]

R.K. DANG, Director

कृषि और सिक्काई मंत्रालय

(ग्राम विकास विभाग)

नई दिल्ली, 1 दिसम्बर, 1975

का० प्रा० 17.—केन्द्रीय सरकार, कृषि उपज (अधीकरण और प्रकल्प) अधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा प्रदत्त अधिकारी का प्रयोग करते हुए, इलायची (अधीकरण और प्रकल्प) नियम, 1962 में कलिपण और संशोधन करना आवश्यक है। जैसा कि उक्त धारा में अधिकारी के लिए प्रकाशित किया जा रहा है जिनके उससे प्रभावित होने की संभावना है। इसके द्वारा सूचना दी जाती है कि उक्त प्रालैप पर इस अधिसूचना की राजपत्र की प्रतियाँ जनता को उपलब्ध कराएं जाने की तारीख से 30 दिन की समाप्ति के पश्चात् विचार किया जाएगा।

इस प्रकार त्रिनिष्ठित भवित्व से पूर्व नियमों के उक्त प्रारूप की वापिसी जो भी अक्षेप या सुझाव किसी अधिकारी से प्राप्त होंगे केन्द्रीय सरकार उन पर विचार करेगी।

नियमों का प्रारूप

1. 1. इन नियमों का नाम इलायची श्रेणीकरण और प्रकल्प (संशोधन) नियम, 1975 है।

2. इलायची श्रेणीकरण और प्रकल्प नियम, 1962, नियम 7 में, उपनियम (i) के स्थान पर निम्नलिखित उपनियम रखा जाएगा, अर्थात्:—

"(1) इलायची (केपसूल, बीज और छूर्ण) को भारत सरकार के कृषि विभाग भलाहकार द्वारा अनुमति रीति में स्वच्छ और मजबूत प्राधानों में पैक किया जाएगा।"

[सं० 13-3/75-ए०एम०]

प्रार०एम० बड़गी, प्रब्रह्म सचिव

MINISTRY OF AGRICULTURE & IRRIGATION

(Department of Rural Development)

New Delhi, the 1st December, 1975

S.O. 17.—The following draft of certain rules to amend Cardamom Grading and Marking Rules, 1962, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) are published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after the expiry of 30 days from the date on which the copies of the Official Gazette containing this notification are made available to the public.

Any objections or suggestions which may be received from any person with regard to the said draft before the expiry of the period so specified will be considered by the Central Government.

DRAFT RULES

1. 1. These rules may be called Cardamom Grading and Marking (Amendment) Rules, 1975.

2. In the Cardamom Grading and Marking Rules, 1962, in rule 7, for sub-rule (1), the following sub-rule shall be substituted, namely :—

"(1) Cardamom (capsules, seeds and powder) shall be packed in clean and sound containers in a manner approved by the Agricultural Marketing Adviser to the Government of India".

[No. F. 13-3/75-A.M.]

R. N. BAKSHI, Under Secy.

## (खात्र विभाग)

## प्राप्तिश

नई विली, 19 दिसंबर, 1975

का० आ० 18.—यतः केन्द्रीय सरकार ने खात्र विभाग, क्षेत्रीय खात्र निदेशालयों, उपापित निदेशालयों और खात्र विभाग के बेतन तथा लेखा कार्यालय द्वारा किए जाने वाले खात्रालयों के श्रद्धा, भारतीकरण, संचलन, परिवहन, वितरण तथा विक्रय के कृत्यों का पालन करना बन्द कर दिया है जोकि खात्र निगम अधिनियम, 1964 (1964 का 37) की धारा 13 के अधीन भारतीय खात्र निगम के कृत्य हैं।

और यतः खात्र विभाग, क्षेत्रीय खात्र निदेशालयों, उपापित निदेशालयों और खात्र विभाग के बेतन तथा लेखा कार्यालयों में कार्य कर रहे और उपरिवर्णित कृत्यों के पालन में लगे निम्नलिखित अधिकारियों और कर्मचारियों ने केन्द्रीय सरकार के तारीख 16 अप्रैल, 1971 के परिपत्र के प्रत्युत्तर में उसमें विनियिष्ट तारीख के अन्दर भारतीय खात्र निगम के कर्मचारी न बनाने के अपने आपात की उक्त अधिनियम की धारा 12ए को उपधारा (1) के परन्तुक द्वारा यथा अपेक्षित भूतना नहीं दी है।

यतः अब खात्र निगम के अधिनियम, 1964 (1964 का 37), यथा भूद्यन संशोधित की धारा 12ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतम्भारा निम्नलिखित अधिकारियों तथा कर्मचारियों को प्रत्येक के सामने दी गई तारीख से भारतीय खात्र निगम में स्थानान्तरित करती हैः—

अम सं०	अधिकारी/कर्मचारी का नाम	केन्द्रीय सरकार के अधीन जिस पद पर स्थायी है	स्थानान्तरण के समय केन्द्रीय सरकार के अधीन जिस पद पर ये निगम को स्था- नान्तरण की तारीख	
1	2	3	4	5
1. श्री एस० के० शोमे	गोदाम अधीक्षक	सहायक निवेशक (सामान्य)	20-1-76	
2. श्री ए०के० सेन गुल्ता	गोदाम अधीक्षक	—वही—	20-1-76	
3. श्री पी० आर० विश्वनाथरन	सकनीकी अधिकारी	तकनीकी अधिकारी	1-3-72	
4. श्री अभिमन्यु प्रसाद सिन्हा	कनिष्ठ गोदाम रक्षक	वरिष्ठ गोदाम रक्षक	1-3-69	
5. श्री क० घनपाल	कनिष्ठ गोदाम रक्षक	—वही—	1-3-69	
6. श्री य० आर० खान	वरिष्ठ गोदाम रक्षक	—वही—	1-3-69	
7. श्री एस० पी० मिश्रा	वरिष्ठ गोदाम रक्षक	वरिष्ठ गोदाम रक्षक	1-3-69	
8. श्री आर० मोहनारंगन	कनिष्ठ गोदाम रक्षक	—वही—	1-3-69	
9. श्री विश्वेष्वर मिश्रा	गोदाम रक्षक	कनिष्ठ गोदाम रक्षक	1-3-69	
10. श्री भूतानन्द प्रसाद	—वही—	—वही—	1-3-69	
11. श्री एस० ए० बाबै	—वही—	—वही—	1-3-69	
12. श्री क०सी० चन्द्रेश्वरन	—वही—	—वही—	1-3-69	
13. श्री आर० मनी	कनिष्ठ रक्षक	वरिष्ठ रक्षक	1-3-69	
14. श्री आर० जी० ईसाय	—वही—	—वही—	1-3-69	
15. श्री एन० बरेन	—वही—	—वही—	1-3-69	
16. श्री पी० बी० चाहो	—वही—	कनिष्ठ रक्षक	1-3-69	
17. श्री डी० सी० भीमिक	वरिष्ठ गोदाम रक्षक	गोदाम अधीक्षक	1-3-69	
18. श्री एन० गंगी रेही	गोदाम रक्षक	—वही—	1-3-69	
19. श्री आर० जी० वित्तन राव	—वही—	गोदाम रक्षक	1-3-69	
20. श्री दी० जी० मुद्रम सूति	—वही—	—वही—	1-3-69	
21. श्री बी० क० राठोर	—वही—	—वही—	1-3-69	
22. श्री एम० क० परमार	—वही—	—वही—	1-3-69	
23. श्री मुश्ताक अली	गोदाम रक्षक	—वही—	1-3-69	
24. श्री बी० बोहे	—वही—	—वही—	1-3-69	
25. श्री एस० आर० वर्मा	—वही—	तकनीकी सहायक- 1	1-3-69	
26. श्री आर० बी० देशपांडे	गुण निरीक्षक	गुण पर्यवेक्षक	1-3-69	
27. श्री एम० थोष	—वही—	गुण निरीक्षक	1-3-69	
28. श्री आर० राजगोपालन	कनिष्ठ रक्षक	सहायक ग्रेड- 3	1-3-69	
29. श्री आर० गोविंदन	—वही—	सहायक ग्रेड- 2	1-3-69	
30. श्री पूनाराम थापा	उमिंग आपरेटर	उस्टिंग आपरेटर	1-3-69	
31. श्री जीव रखन लाल	चौकीश्वार	—वही—	1-3-69	

1	2	3	4	5
32. श्री के० शानूमुग्न			इंजन ड्राइवर	1-3-69
33. श्री सी० राधा			स्टिचर	1-3-69
34. श्री मुलान मिह		-- चाली--	-- वही--	1-3-69
35. श्री कामता प्रगाद		-- वही--	-- वही--	1-3-69
36. श्री शी० येलिया			मिट्टर	1-3-69
37. श्री रामद्वित तुवमी		इस्टिंग ग्रापरेटर	पिकर	1-3-69
38. श्री पंचानन त्रिपाठी		--	-- वही--	1-3-69
39. श्री ग्रार० एम० गोपाला राष्ट्र		--	-- वही--	1-3-69
40. श्री दण्डरथ एच० साहू		इस्टिंग ग्रापरेटर	-- वही--	1-3-69
41. श्री दिल बहादुर		-- वही--	-- वही--	1-3-69
42. श्री कालीदास मलाराम		--	-- वही--	1-3-69
43. श्री यामलाल शिवमंगल		इस्टिंग ग्रापरेटर	-- वही--	1-3-69
44. श्री डग्गू मुकानी		-- वही--	-- वही--	1-3-69
45. श्री एच० के० पाटवा		--	-- वही--	1-3-69
46. श्री एच० एम० धिमण्ड		चौकीदार	चौकीदार	1-3-69
47. श्री युसफ अर्नी/बरहान अर्नी		-- वही--	-- वही--	1-3-69
48. श्री टी० कलारन		-- वही--	-- वही--	1-3-69
49. श्री एच० मास्त्रामूर्ति		-- वही--	-- वही--	1-3-69
50. श्री डी० याजू		-- वही--	-- वही--	1-3-69
51. श्री के० बेलाप्पन		-- वही--	-- वही--	29-6-73
52. श्री पी० वीरभद्रन		-- वही--	-- वही--	29-6-73
53. श्री डी० एम० बासुमुखमनियम		-- वही--	-- वही--	29-6-73
54. श्री के० पी० जोसेफ		-- वही--	-- वही--	1-3-69
55. श्री होगीराम थीथासनन		--	-- वही--	1-3-69
56. श्री शेशार गुरुत		--	-- वही--	1-3-69
57. श्री के० एम० बागमारे		--	-- वही--	1-3-69

[सं० 52/22/74-एफ० सी० 3 (खण्ड-4)]

डी० कृष्णामूर्ति, उग-मार्किय

## MINISTRY OF AGRICULTURE &amp; IRRIGATION

(Department of Food)

## ORDER

New Delhi, the 19th December, 1975

S.O. 18.—Whereas the Central Government has ceased to perform the functions of purchase, storage, movement, transport, distribution and sale of foodgrains done by the Department of Food, the Regional Directors of Food, the Procurement Directorates and the Pay and Accounts Offices of the Department of Food which under section 13 of the Food Corporations Act, 1964 (37 of 1964) are the functions of the Food Corporation of India;

And whereas the following officers and employees serving in the Department of Food, the Regional Directorates of Food, the Procurement Directorates and the Pay and Accounts Offices of the Department of Food and engaged in the performance of the functions mentioned above have not, in response to the circular of the Central Government dated the 16th April, 1971, intimated, within the date specified therein, their intention of not becoming employees of the Food Corporation of India as required by the proviso to sub-section (1) of section 12-A of the said Act;

Now, therefore in exercise of the powers conferred by section 12-A of the Food Corporations Act, 1964 (37 of 1964), the Central Government hereby transfers the following officers and employees to the Food Corporation of India with effect from the date mentioned against each of them :—

Sl. - No.	Name of the Officer/Employee	Permanent post held under the Central Govt.	Post held under the Central Govt at the time of transfer	Date of transfer to the Food Corpor- ation of India
1	2	3	4	5
1. Shri S. K. Shome		Godown Supdt.	Assistant Director (General)	20-1-76
2. Shri A. K. Sen Gupta		Godown Superintendent	Do.	20-1-76
3. Shri P. R. Viswanbharan		Technical Officer	Technical Officer	1-3-72
4. Shri Abhimanyu Pd. Sinha		Junior Godown Keeper	Senior Godown Keeper	1-3-69

1	2	3	4	5
5. Shri K. Dhampal .		Junior Godown Keeper	-Senior Godown Keeper	1-3-69
6. Shri U. R. Khan .		Senior Godown Keeper	Do.	1-3-69
7. Shri S.P. Mishra .		Do.	Do.	1-3-69
8. Shri R. Mohanarangan .		Junior Godown Keeper	Do.	1-3-69
9. Shri Balwshwar Misra .		Godown Clerk	Junior Godown Keeper	1-3-69
10. Shri A. Chutananad Prosad .		Do.	Do.	1-3-69
11. Shri S.A. Barve .		Do.	Do.	1-3-69
12. Shri K. C. Chandrasekharan .		Do.	Do.	1-3-69
13. Shri R. Mani .		Junior Clerk	Senior Clerk	1-3-69
14. Shri R.G. Isav .		Do.	Do.	1-3-69
15. Shri N. Barel .		Do.	Do.	1-3-69
16. P.V. Chacko .		Do.	Junior Clerk	1-3-69
17. Shri D.C. Bhoumick .		Senior Godown Keeper	Godown Supt.	1-3-69
18. Shri N. Gangi Reddy .		Godown Supdt.	Do.	1-3-69
19. Shri R.G. Vittal Rao .		Godown Clerk	Godown Clerk	1-3-69
20. Shri T. G. Sundaramurthy .		Do.	Do.	1-3-69
21. Shri B. K. Rathod .		—	Do.	1-3-69
22. Shri M. K. Parmar .		—	Do.	1-3-69
23. Mushtaq Ali .		Godown Clerk	Do.	1-3-69
24. Shri V. Choyi .		—	Do.	1-3-69
25. Shri S.R. Verma .		—	Technical Assistant-I	1-3-69
26. Shri R.V. Desphande .		Quality Inspector	Quality Supervisor	1-3-69
27. Shri S. Ghosh .		—	Quality Inspector	1-3-69
28. Shri R. Rajagopalan .		Junior Clerk	Assistant Grade-III	1-3-69
29. Shri R. Govindan .		—	Assistant Grade-II	1-3-69
30. Shri Poonaram Thapa .		Dusting Operator	Dusting Operator	1-3-69
31. Shri Jiwrukhanlal .		Watchman	Do.	1-3-69
32. Shri K. Shanumugan .		—	Engine Driver	1-3-69
33. Shri C. Radha .		Stitcher	Stitcher	1-3-69
34. Shri Sultan Singh .		Do.	Do.	1-3-69
35. Shri Kamta Prasad .		Do.	Do.	1-3-69
36. Shri D. Yelliah .		Sifter	Sifter	1-3-69
37. Shri Ramhit Tulsi .		Dusting Operator	Picker	1-3-69
38. Shri Panchanan Tripathy .		—	Do.	1-3-69
39. Shri R. M. Gopala Rao .		—	Do.	1-3-69
40. Shri Dashrath H. Sahu .		Dusting Operator	Do.	1-3-69
41. Shri Dil Bahadur .		Do.	Do.	1-3-69
42. Shri Kalidas Santram .		—	Do.	1-3-69
43. Shri Shyamal Shivmangal .		Dusting Operator	Do.	1-3-69
44. Shri Dagdu Mulani .		Do.	Do.	1-3-69
45. Shri H. K. Patwa .		—	Do.	1-3-69
46. Shri L. M. Thimmappa .		Watchman	Watchman	1-3-69
47. Shri Yousuf Ali/Burhan Ali .		Do.	Do.	1-3-69
48. Shri T. Kanaran .		Do.	Do.	1-3-69
49. Shri S. Sambamurthy .		Do.	Do.	1-3-69
50. Shri D. Raju .		Watchman	Watchman	1-3-69
51. Shri K. Chellappan .		Do.	Do.	29-6-73
52. Shri P. Veerabhadran .		Do.	Do.	29-6-73
53. Shri T. M. Balasubramaniam .		Do.	Do.	29-6-73
54. Shri K. P. Joseph .		Do.	Do.	1-3-69
55. Shri Horiram Srivastava .		—	Do.	1-3-69
56. Shri Khedar Rout .		—	Do.	1-3-69
57. Shri K. S. Waghmare .		—	Do.	1-3-69

शिक्षा तथा समाज कल्याण मंत्रालय

(शिक्षा विभाग)

नई दिल्ली, 12 दिसम्बर, 1975

का०आ० 19.—भविष्य निधि प्रधिनियम, 1925 (1925 का 19) के खंड 8 के उपखंड (2) द्वारा प्रवत्त प्रधिकारों का प्रयोग करते हुए, भारत सरकार एतद्वारा यह निर्देश देती है कि उक्त सम्पत्ति भारत के पूर्त अध्ययन निधि के कोषपाल, जो उसके द्वारा धार्य होगी, में निहित होगी और यह भी निर्देश देती है कि उक्त सम्पत्ति और उसकी धार्य का उपयोग योजना में निर्धारित गति के भनुतार किया जाएगा।

[मं० एक० 7-13/73-टी०-6]

MINISTRY OF EDUCATION AND SOCIAL WELFARE

(Department of Education)

New Delhi, the 12th December, 1975

S.O. 19.—In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that the provisions of the said Act shall apply to the General Provident Fund and the Contributory Provident Fund established for the benefit of the employees of the Indian School of Mines, Dhanbad.

[No. F. 7-13/73-T-6]

का०आ० 20.—भविष्य निधि प्रधिनियम, 1925 (1925 का 19) के खंड 8 के उपखंड (3) द्वारा प्रवत्त प्रधिकारों का प्रयोग करते हुए, भारत सरकार एतद्वारा यह निर्देश देती है कि उक्त प्रधिनियम की भनुत्यां में सीजूदा प्रतिष्ठितों के अंत में निम्नलिखित सार्वजनिक संस्था का नाम अपत्ति “भारतीय खनन विद्यालय, धनबाद” जोड़ दिया जाए।

[मं० एक० 7-13/73-टी०-6]  
एस० वेदान्तम, उप शिक्षा सलाहकार (टी०)

S.O. 20.—In exercise of the powers conferred by sub-section (3) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that in the Schedule to the said Act, after existing entries, the name of the following public institution shall be added namely :—

“The Indian School of Mines-Dhanbad”.

[No. F. 7-13/73-T-6]

S. VEDANTHAM, Dy. Educational Adviser (T)

(सांस्कृति विभाग)

नई दिल्ली, 18 दिसम्बर, 1975

पूर्त अध्ययन निधि प्रधिनियम 1890 के मामले में और पूस्तकालय विज्ञान के लिए भारतीय राजनाथन अध्ययन निधि के मामले में

का० आ० 21.—केंद्रीय सरकार की इसके साथ संलग्न भनुत्यां में विनियोग सम्पत्ति को पूर्त अध्ययन निधि के कोषपाल में निहित करने के लिए एक आवेदन पत्र भेजा गया है, जो भनुत्यं शिक्षा मंत्रालय भारत सरकार की अधिसूचना संख्या एस०आ० 3371, दिनांक 27 नवम्बर, 1963 के साथ प्रकाशित योजना के अनुसार अनुपयुक्त होगी।

प्रत: अब, पूर्त अध्ययन निधि प्रधिनियम, 1890 (1890 के 6) की धारा 4 की उप धारा (i) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए तथा पूर्वीकृत आवेदन पत्र पर, केंद्रीय सरकार एतद्वारा यह निर्देश देती है कि उक्त सम्पत्ति भारत के पूर्त अध्ययन निधि के कोषपाल, जो उसके द्वारा धार्य होगी, में निहित होगी और यह भी निर्देश देती है कि उक्त सम्पत्ति और उसकी धार्य का उपयोग योजना में निर्धारित गति के भनुतार किया जाएगा।

अनुसूची

पूस्तकालय विज्ञान के लिए शारदा राजनाथन अध्ययन निधि की ओर से आवधिक जमा में नमिलनाहु श्रीशोगिक निवेश नियम लिमिटेड मद्रास में उनके आवधिक वाते की रसीद संख्या 22105 दिनांक 16 मितम्बर, 1975 द्वारा 70,000/- रुपये की पूंजी लगाई गई।

[सं० फ० 4-1/71-सी०ए० I (3)]

एस० एस० जस्सल, अवतर सचिव।

(Department of Culture)

New Delhi, the 18th December, 1975

In the matter of the Charitable Endowments Act, 1890 and in the matter of the Sarda Ranganathan Endowment for Library Science.

S.O. 21.—Whereas an application has been made to the Central Government for vesting the property, specified in the Scheduled appended hereto in the Treasurer of Charitable Endowments for India, to be applied in accordance with the Scheme, published with the notification of the Government of India in the late Ministry of Education No. S.O. 3371, dated the 27th November, 1963;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the charitable Endowments Act, 1890 (6 of 1890), and on the application as aforesaid, the Central Government hereby directs that the said property shall vest in the Treasurer of Charitable Endowments for India to be held by him and directs that the said property and the income thereof shall be applied in accordance with the terms set out in the aforesaid Scheme.

## SCHEDULE

A sum of Rs. 70,000 invested on behalf of the Sarada Ranganathan Endowment for Library Science in Fixed Deposit with the Tamil Nadu Industrial Investment Corporation, Limited, Madras, vide the Fixed Deposit Receipt No. 22105, dated the 16th September, 1975.

[No. F. 4-1/71-CAI(3)]  
H. S. JASSAL, Under Secy.

भारतीय पुरातत्त्व सर्वेक्षण

नई दिल्ली, 24 नवम्बर, 75

(पुरातत्त्व)

का० आ० 22.—भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 12 जुलाई, 1975 में प्रकाशित, भारत सरकार के शिक्षा, समाज कल्याण और संस्कृति मंत्रालय की अधिसूचना सं० का० आ० 2218, तारीख 24 जून, 1975 द्वारा केंद्रीय सरकार ने, उक्त अधिसूचना में विनिर्दिष्ट क्रतिपय प्राचीन स्मारकों को राष्ट्रीय महत्व का घोषित करने के प्रपते आशय को दी मास की सूचना दी थी, और उक्त अधिसूचना की एक प्रति, प्राचीन स्मारक सथा पुरातत्त्वीय स्थल और अवशेष प्रथनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा यथाविधित उक्त प्राचीन स्मारकों के निकट महत्व-दृष्ट घोषणाओं पर लगा दी गई थी :

और उक्त राजपत्र 12 जुलाई, 1975 को जनता को उपलब्ध करा दिया गया था, और जनता से कोई विवाद नहीं हुए है :

प्रति, अब, उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार नीचे की अनुभूति में विनिर्दिष्ट प्राचीन स्मारकों को राष्ट्रीय महत्व का घोषित करती है ।

प्रनृसूची

राज्य	जिला	तहसील	स्थान	प्राचीन स्मारक का नाम	सुरक्षा के अधीन स्थित किए जाने वाले राजस्व की सं०	क्षेत्र	सीमां	स्वामित्व	टिप्पणी
1	2	3	4	5	6	7	8	9	10
उत्तर प्रदेश	आसामी	मांसी	दक्षिण-पुर	राजारामगाधर राव की छतरी जिसके नीचे प्रत्युत्पादित स्थल रेखांक में यथा एक हाथ स्थल रेखांक में यथा दर्शित तालाब और मर्व-क्षण भू-खंड सं० 1301 के भाग में समाविष्ट पार्श्वस्थ क्षेत्र भी है	नीचे प्रतिउत्पादित स्थल रेखांक में यथा एक हाथ दर्शित सर्वेक्षण भू-खंड सं० 1301 का भाग	1.09	उत्तर-सर्वेक्षण भू-खंड सं० 1301	नगर-पूजा नहीं	पालिका की जाती है

[(सं० 2/6/72-एम)]

ARCHAEOLOGICAL SURVEY OF INDIA  
MINISTRY OF EDUCATION, SOCIAL WELFARE  
AND CULTURE

New Delhi the, 24th November 1975

## ARCHAEOLOGY

S. O. 22.—Whereas, by notification of the Government of India in the Ministry of Education, Social Welfare and Culture, No. S.O. 2218, dated the 24th June, 1975, published in Part II, Section 3, sub-section (ii) of the Gazette of India, dated the 12th July, 1975, the Central Government gave two months' notice of its intention to declare certain ancient monuments specified in the said notification to be of national importance, and a copy of the said notification was affixed in conspicuous places near the

said ancient monuments as required by sub-section (1) of section 4 of the ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958);

And Whereas the said Gazette was made available to the public on the 12th July, 1975;

And Whereas no objections have been received from the public;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, the Central Government hereby declares the ancient monuments specified in the Schedule below to be of national importance.

## SCHEDULE

State	District	Tehsil	Locality	Name of the ancient monuments	Revenue plot number to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10
Uttar Pradesh	Jhansi	Jhansi	Darhiapur	Chhatri of Raja Gangadhar Rao along with tank and adjacent area comprised in part of Survey plot No. 1301 as shown in site plan reproduced below.	Part of survey plot No. 1301 as shown in the site-plan reproduced below.	1.09 acres	North.—Survey plot No. 1575 Laxmi Tal. East.—Survey plot Nos. 1575-1300 & 1293. South.—Survey plot No. 1305 and remaining portion of Survey plot No. 1301. West.—Survey plot No. 1302.	Under Municipal management.	Not under works.

[No. 2/6/72 -M]

कांगड़ा 23.---भारत के राजपत्र, भाग 2, खण्ड 3, उपकार्ड (ii) तारीख 26 प्रव्रैत, 1975 में प्रकाशित भारत सरकार के गिराव, समाज कल्याण और संस्कृति संवालय की अधिसूचना सं० कांगड़ा 1307, तारीख 16 प्रव्रैत, 1975 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना में विनियोग कनिष्ठ प्राचीन संस्मारकों के राष्ट्रीय महास्व मा धोयित करने के प्रपते आण्य की दो मास की सुखावादी शी और उक्त अधिसूचना की एक प्राचीन संस्मारक तथा पुण्यत्वर्थीय स्थल और प्रवर्षेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्राचीन संस्मारकों के लिए भविष्य यथानुरूप नहीं दिया गया थी;

और उक्त राजपत्र 26 अगस्त, 1975 को जगता को उपलब्ध करा दिया गया था और जगता ये कोई अधिक प्राप्त नहीं हए।

अतः, अब, केंद्रीय सरकार उनक अधिनियम की धारा 4 की उपाधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करने वाले नीचे की अन्तर्भुक्ति में विविधिष्ट प्रतिविवादी संस्थानों को यात्रीय महत्व का घोषित करती है:-

માનસચી

क्र. सं.	राज्य	जिला	नामिका इलाका प्राचीन सम्पादक का नाम	मरक्षण के अधीन दोष	मीमा	स्थानिक	टिप्पणियाँ			
1	2	3	4	5	6	7	8	9	10	11
1.	गोवा, दमण और दीय	गोवा	बांद्रे ज. कैण्डागिम अग्नादा दुर्ग (उपरो.) जिस में बुर्ज, नालाबद, खाई, द्वावार प्रकाण, स्वंभ, प्राचीनभित्ति और चारों ओर की दृम मिटर चौड़ी भूमि की पट्टी और उस स्थान के नक्शे में यथार्थित सर्वेण भूखण्ड सं० 92, 93 और 96 के बाने वाले गोवा स्थान के नक्शे में पथादिग्नि मर्जन-धारा भूखण्ड सं० 96 और उत्तर स्थान के नक्शे में पथादिग्नि मर्जन-धारा भूखण्ड सं० 96 की ओषध भाग का नक्शा है।	उत्तर स्थान के नक्शे में बुर्ज, नालाबद, खाई, द्वावार में पथादिग्नि मर्जन-धारा भूखण्ड सं० 96 की ओषध भाग का नक्शा है।	उत्तर :	उत्तर :	उत्तर :	उत्तर :	सरकार प्रकाण स्थान	प्रयोग किया जा रहा है।

1	2	3	4	5	6	7	8	9	10	11
2.	गोवा, दमन और दीव गोवा बार्डोज कैण्डोलिंग अग्वाडा दुर्ग (निचला) की प्राचीर मिति जिसमें गोल भुजे, में यथादर्शित, सर्वे- घर्गमीटर सर्वेक्षण भूखण्ड सं०	उस स्थान के नम्रे 11700 उत्तर :	राजकार							
	सीढ़ियां और दोनों ओर की जग भूखण्ड सं०	105/7 और 105/8								
	भूमि की पांच मीटर चौड़ी 105/7, 105/8	ओर अरब सागर के								
	पट्टी जो उस स्थान के नम्रे और अरब सागर के	असंज्यांकित क्षेत्र के								
	में यथादर्शित सर्वेक्षण भूखण्ड	भाग ।								
	सं० 10517, 10518 और भाग ।	पूर्व :								
	अरब सागर के असंज्यांकित	रावेक्षण भूखण्ड सं०								
	क्षेत्र का भाग है, समिलित है ।	105								
		दक्षिण :-								
		रावेक्षण भूखण्ड सं०								
		104								
		पश्चिम :-								
		अरब सागर के असंज्यांकित क्षेत्र का शेष								
		भाग ।								

[सं० 22/21/73-एम]

म० एत देशपांडे, भट्टान्देशक और पदेन संयुक्त सचिव

**S. O. 23.**—Whereas, by notification of the Government of India in the Ministry of Education, Social Welfare and Culture, No. S.O. 1307, dated the 16th April, 1975, published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 26th April, 1975, the Central Government gave two months' notice of its intention to declare certain ancient monuments specified in the said notification to be of national importance, and a copy of the said notification was affixed in conspicuous places near the said ancient monuments as required by sub-section (i) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958).

And whereas the said Gazette was made available to the public on the 26th April, 1975;

And whereas no objection have been received from the public;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, the Central Government hereby declares the ancient monuments specified in the Schedule below to be of national importance.

#### SCHEDULE

S. No.	State	District	Taluka	Locality	Name of ancient monument	Revenue plot numbers to be included under protection	Area	Boundaries	Owner-ships.	Re- marks.
1	2	3	4	5	6	7	8	9	10	11
1.	Goa Daman and Diu.	Goa	Bardoz	Candolim	Aguada Fortress (Upper) including Bastions, Tank, Moat, Gates, Light-house, Fortification wall and ten meters wide strip of land all-round and the area comprised in part of survey plot Nos. 92, 93 and 96 as shown in the site-plan.	Parts of Survey plot Nos. 92, 93 and 96 as shown in the site-plan.	95768 Sq.mt.	North : Remaining portion of survey plot No. 96. East : Remaining portions of survey plot Nos. 92 and 96. South : Remaining portions of survey plot nos. 92 and 93. West : Remaining portion of survey plot no. 96.	Govern- ment, light- house is in use.	The light- house is in use.

1	2	3	4	5	6	7	8	9	10	11
2. Goa Damai	Goa	Barloz	Candolim	Fortification wall of Agvaija fortress (lower) including circular bastion, stair-ways and five castle wide strip of land on either sides forming part of survey plot Nos. 105/1, 105/8 and unnumbered area of Arabian sea as shown in the site-plan.	Parts of survey plot nos. 105/1, 105/8 and unnumbered area of Arabian sea as shown in the site-plan.	11700 sq.mt.	North : Remaining portions of survey plot nos. 105/7 and 105/8 and unnumbered area of Arabian sea.	East : Survey plot no. 104.	South : Survey plot No. 104.	West : Remaining portion of unnumbered area of Arabian Sea.

[No. 2/21/73-M

M. N. DESHPANDE, Director  
General Ex-Officio Joint Secretary.

नौवहन श्रीर परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 19 दिसम्बर, 1975

का० आ० 24.—केन्द्रीय सरकार, डॉक कर्मालय (नियोजन का विनियमन) नियम, 1962 के नियम 4 के उपनियम (1) के द्वितीय परिवर्तन के मात्र पड़िज डॉक कर्मालय (नियोजन का विनियमन) परिवर्तन, 1948 (1948 का 9) की धारा 5 की उपधारा (3) द्वारा प्रदत्त शक्तियों तथा प्रयोग करते हुए, कैटेन एन० एन० सिकंड को श्री एन० आर० लास के स्वान पर कर्मालय डॉक श्रेणी लोड का सदृश नियुक्त करती है और भारत सरकार के भूत्युर्व थम, रोजगार और तुनवासि मंत्रालय (थम और रोजगार विभाग) को अधिसूचना सं० का० आ० 1322, तारीख 7 अप्रैल, 1967 में निम्नलिखित संशोधन करती है, अधार्तः—

उक्त अधिसूचना में, “डॉक कर्मालयों और नौवहन लावालियों के नियोजकों का प्रतिनिवित करते थाले सदृश” शब्दिक के अधीन धरा (5) के सामने, “श्री एन० आर० लास” प्रविष्टि के स्वान पर “कैटेन एन० एन० सिकंड” प्रविष्टि रखी जाएगी।

[सं० एन० ई० सी०-३३/७५]  
श्री० गंकरलिङ्गम, अवार सचिव।

## MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 19th December, 1975

S.O. 24.—In exercise of the powers conferred by sub-section (3) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), read with the second proviso to sub-rule (1) of rule 4 of the Dock Workers (Regulation of Employment) Rules, 1962, the Central Government hereby appoints Captain N.N. Sikand as member of the Calcutta Dock Labour Board vice Shri M. R. Das and makes the following amendment in the notification of the Government of India in the late Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1322, dated the 7th April, 1967, namely:—

In the said notification, under the heading “Members Representing the employers of Dock Workers and Shipping Companies” against item (5), for the entry “Shri M. R. Das” the entry “Captain N.N. Sikand” shall be substituted.

[No. LDC-33/75]

V. SANKARLINGAM, Under Secy.

ऊर्जा मंत्रालय

(विष्टु विभाग)

नई दिल्ली, 16 दिसम्बर, 1975

का० आ० 25.—धारालीय विष्टु अधिनियम, 1910 की धारा 36 की उन्नारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भूत्युर्व सिकाई और विष्टु मंत्रालय की अभ्यन्तरीय पर यथा-संशोधित अधिसूचना संख्या ई० एन०-दी-६ (11)/६५, दिनांक 31 जुलाई, 1971 के अधिकमण में एतद्वारा केंद्रीय विभागीय प्राधिकरण के नियोजक (यांगियिक) को, निम्नलिखित के संबंध में, केन्द्रीय विष्टु नियोजक के रूप में नियुक्त करती है:—

## 1. संच राज्य क्षेत्र

आण्डमान और निलोगार द्वीपांमूल, अरुणाचल प्रदेश, यादरा और नगर हवेली (सरकारी प्रतिष्ठान), लम्बाईप, निजोरम और पांडिचेरी।

## 2. इषि मंत्रालय

सिचाई विभाग के नियन्त्रणाधीन सभी प्रतिष्ठान।

## 3. परमाणु ऊर्जा विभाग

परमाणु ऊर्जा विभाग की भवदः उसके नियन्त्रणाधीन व्यानों को छोड़ कर, अन्य परियोजनाएँ।

## 4. संनार मंत्रालय

समुद्र-पार संचार व्यवस्था।

## 5. ऊर्जा मंत्रालय

विष्टु विभाग के अधीन उसके नियन्त्रणाधीन विज्ञानी प्रतिष्ठान।

## 6. विस मंत्रालय

हैवरायाद, असीपुर और बन्दर्व की टक्सालें, सीपच स्थित अल्कालोयड फैक्टरी।

## 7. सूचना और प्रसारण मंत्रालय

आकाशवाणी, फोटो-प्रभाग।

## 8. श्रीद्योगिक विकास मंत्रालय

लघु उद्योग सेवा गस्थान, मद्रास, वैज्ञानिक और श्रीद्योगिक अनुसंधान परिषद, राष्ट्रीय भू-भौतिकी सत्रुसंशान संस्थान, हैदराबाद और श्रीद्योगिक विकास मंत्रालय के श्रीन श्राव प्रतिष्ठान।

9. पेट्रोलियम और रसायन मंत्रालय  
पेट्रोलियम और रसायन मंत्रालय के विधिवाधीन सभी प्रतिष्ठान।
10. इस्पात और खान मंत्रालय  
इस्पात और खान मंत्रालय के सीधे विधिवाधीन राशी प्रतिष्ठान प्रधान वित्त विभाग स्टील और शारत सरकार के इसरे उपकरणों के अंतर्गत आने वाले प्रतिष्ठान इसमें शामिल नहीं होंगे।
11. पूर्व मंत्रालय (पुनर्वास विभाग)  
वृक्षारण परियोजना।
12. अन्तरिक्ष विभाग
13. पर्यटन और विद्युत विभाग मंत्रालय
  - (क) भारतीय सौरम विभाग;
  - (ख) गियिल विभाग।
14. निर्माण और आवास मंत्रालय  
केन्द्रीय लांक निर्माण विभाग।

[विज्ञप्ति दो० ६(11)/65]

### MINISTRY OF ENERGY

(Department of Power)

New Delhi, the 16th December, 1975

**S.O. 25.**—In exercise of the powers conferred by sub-section (1) of Section 36 of the Indian Electricity Act, 1910, the Central Government, in supersession of the erstwhile Ministry of Irrigation and Power Notification No. EL. II-6 (11)/65, dated the 31st July, 1971, as amended from time to time, hereby appoint the Director (Commercial), Central Electricity Authority to be the Central Electrical Inspector in respect of the following :—

1. Union Territories :  
Andaman & Nicobar Islands, Arunachal Pradesh, Dadra & Nagar Haveli, Lakshadweep, Mizoram and Pondicherry.
2. Ministry of Agriculture :  
All the installations under the control of Department of Irrigation.
3. Department of Atomic Energy :  
Projects other than the Mines belonging to or under the control of Department of Atomic Energy.
4. Ministry of Communications :  
Overseas Communication Service.
5. Ministry of Energy :  
Electrical installations belonging to or under the control of Department of Power.
6. Ministry of Finance :  
Hyderabad Alipur and Bombay Mints, Alkaloid Factory at Neemuch.
7. Ministry of Information & Broadcasting :  
All India Radio, Films Division.
8. Ministry of Industrial Development :  
Small Scale Service Institute Madras, Council of Scientific and Industrial Research, National Geophysical Research Institute, Hyderabad ; and other installations under the Ministry of Industrial Development.
9. Ministry of Petroleum & Chemicals  
All Installations under the control of Ministry of Petroleum and Chemicals.

10. Ministry of Steel & Mines :  
All Installations under the direct control of Ministry of Steel and Mines i.e. excluding those which come under Hindustan Steel or other Government of India Undertakings.
11. Ministry of Supply (Department of Rehabilitation) :  
Dandakaranya Project.
12. Department of Space.
13. Ministry of Tourism and Civil Aviation :
  - (a) Indian Meteorological Department.
  - (b) Civil Aviation.
14. Ministry of Works & Housing :  
Central Public Works Department.

[No. EL. II-6(11)/65]

### प्रावेश

पा० आ० 26.—केन्द्रीय सरकार, भारतीय विद्युत नियम, 1956 के नियम 133 के उपनियम (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नियम देती है कि उसके नियमों के नियम 118 (ग) के उपबन्ध, बैलाडिला लीह भवस्क परियोजना, निक्षेप सं० 5 में टनल प्रदीपन की बाबत निम्नलिखित गतों के बीच रहते हुए यहां तक गियिल किए जाएंगे कि प्रकाश के लिए प्रदाय लंब 250 फूट से अधिक न हो :—

1. तंत्र के सद्य या न्यूट्रल विन्टु भू-समर्पित होंगे।
2. तंत्र, भू-पर्यावरण से, पर्यावरण सुरक्षित के पर्यावरण की अवस्था द्वारा, संरक्षित होगा जिसके प्रवाहकों या फिरी अन्य व्यक्ति को, आकर्षित समर्पक की रक्षा में, अति कमी संभावना से रोका जा सके।
3. यदि सुरक्षा के लिए में ऐसा करता आवश्यक तपाका जाए तो गियिलता को रांगोधित कर दिया या यापस ले लिया जाएगा।

[सं० ई-एल २-६ (2) / 75]

सुरेन्द्र प्रकाश जैन, उप निदेशक

### ORDER

**S.O. 26.**—In exercise of the powers conferred by Sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of Rule 118(c)

of the said rules shall be relaxed in respect of tunnel illumination at Bailadila Iron Ore Project, Deposit No. 5 to the extent that the system of supply for lighting shall not exceed 250 Volts subject to the following conditions :

1. The mid or neutral point of the system shall be connected to earth.
2. The system shall be protected against earth faults by the provision of a suitable relay of sufficient sensitivity to exclude the possibility of injury to the operators or any other person in the even of accidental contact.
3. The relaxation shall be amended or withdrawn, if considered necessary in the interest of safety.

[No. EL. II-6(2)/75]

S. P. JAIN, Dy. Director

### विल्ली विकास प्राधिकरण

नई दिल्ली, 25 नावं, 1975

पा० आ० 27.—दिल्ली इलेक्ट्रिकल एकट की धारा 52 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए विल्ली विकास प्राधिकरण एवं दूरवाला नियम देता है कि प्राधिकरण द्वारा नियुक्त अधिकारियों

एवं फर्मारियों के ऐसे समस्त विषयों के संबंध में कायी के निष्पादन तथा उनके संबंध में हस्ताक्षर करने के समस्त अधिकार प्राधिकरण की ओर से, जैसा भी उचित समझे, सचिव, विली विकास प्राधिकरण द्वारा प्रयोग में लाये जायेंगे।

[मा० एफ० 4 (14)/75-लीगल सेल (वी बी)]

हथ नाम फोतेवार, सचिव

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 25th March, 1975

S.O. 27.—In exercise of powers conferred by sub-section (1) of Section 52 of the Delhi Development Act, 1957 (61 of 1957), the Delhi Development Authority directs that its power to enter into any contract with its officers and employees and to execute such documents for and on its behalf be also exercised by the Secretary.

[No. F. 4(14)/75-Legal Cell (VB)]

H. N. FOTEDAR, Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 20 दिसम्बर, 1975

आदेश

का० आ० 28.—इसके साथ लगी प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबंध के अन्तर्गत जारी किये गये निदेशों के अनुसार, केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड, बम्बई की सिफारियों पर विवार करने के बाद, एवं द्वारा, इसके साथ लगी द्वितीय अनुसूची के कालम 2 में दी गई फिल्म को उसके सभी भाषाओं के व्यापत्रों सहित जिसका विवरण उसके सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है।

प्रथम अनुसूची

- (1) चलचित्र अधिनियम, 1952 (1952 का केन्द्रीय अधिनियम 27) की धारा 12 की उपधारा (4) तथा धारा 16.
- (2) बम्बई तिनेमा (विनियम) अधिनियम (1953) 1953 का बम्बई अधिनियम 17 की धारा 5 की उपधारा (3) तथा धारा 9.

द्वितीय अनुसूची

क्रम फिल्म का फिल्म की आवेदन निर्माता क्या वैज्ञानिक फिल्म स० नाम लम्बाई 35 का नाम का नाम है या शिक्षा संबंधी मि० भी। फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाक्युमेंट्री फिल्म है।

1 2 3 4 5 6

1. महिति चित्र सूचना निदेशक, समाचार और सामयिक संख्या 212 मीटर गुजरात सरकार, घटनाओं की फिल्म गांधी नगर। (केवल गुजरात सर्किट में प्रवर्तन के लिए)

	1	2	3	4	5	6
2. महिति चित्र	251.46	सूचना निदेशक, समाचार और सामयिक संख्या 213 मीटर गुजरात सरकार, घटनाओं की फिल्म गांधी नगर। (केवल गुजरात सर्किट में प्रवर्तन के लिए)				
3. महिति चित्र	198.12	—तदैव—	—तदैव—			
	संख्या 214	मीटर				

[का० स० 6/1/75-एफ० (पी०) परिशिष्ट-2035]

MINISTRY OF INFORMATION AND BROADCASTING

ORDER

New Delhi, the 20th December 1975.

S. O. 28.—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Scheduled annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film/films specified in column 2 of the Second Scheduled annexed hereto in Gujarati to be of the description specified against it each in column 6 of the said Second Schedule.

FIRST SCHEDULE

- (1) Sub-section 4 of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XVII of 1953).

SECOND SCHEDULE

S. No.	Title of the film	Length 35mm	Name of the applicant	Name of the Producer	whether a Scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film
1	2	3	4	5	6

1. Mahitichitra No. 212	228.00 Metres	Director of Information Govt. of Gujarat, Gandhi Nagar	Film dealing with news and current events For release in Gujarat Circuit only
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1	2	3	4	5	6
2.	Mahitichitra No. 213	251.46 Metres	Director of Information Govt. of Gujarat Gandhi Nagar	Film dealing with news and current events for release in Gujarat circuit only)	
3.	Mahitichitra No. 214	198.12	-do	-do-	

[File No. 6/1/75-F(P) App. 2035]

## आवेदन

का० धा० 29.—इसके साथ लगी प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किये गये निदेशों के अनुसार केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद, एतद्वारा, इसके साथ लगी द्वितीय अनुसूची के कालम 2 में दी गई फिल्म को उसके सभी भाषाओं के रूपान्तरों सहित : जिसका विवरण उसके सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है।

## प्रथम अनुसूची

(1) चलचित्र अधिनियम, 1952 (1952 का केन्द्रीय अधिनियम 27) की धारा 12 की उपधारा (4) तथा धारा 16.

(2) बम्बई सिनेमा (विनियम) अधिनियम, 1953 (1953 का धर्वा 17 अधिनियम 17) की धारा 5 की उपधारा (3) तथा धारा 9.

## द्वितीय अनुसूची

क्रम फिल्म का संख्या नाम	फिल्म की लम्बाई 35 मि० मी०	आवेदक निर्माता का नाम का नाम है या शिक्षा संबंधी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकु-वैदी किल्म है।
1	2	3

1	2	3	4	5	6
1. महाराष्ट्र- समाचार संख्या 288	296.00 मीटर	सुचना तथा जन- संपर्क निदेशक, महाराष्ट्र सरकार, बम्बई।	समाचार और सामयिक घटनाओं की फिल्म (केवल महाराष्ट्र सरकार में प्रदर्शन के लिए)।		

[का० संख्या 6/1/75-पा० ००० परिणाम-2037]

प्रार० डॉ० जंगी, वनुसार अधिकारी (विधेय)

## ORDER

S.O. 29.—In pursuance of the directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in columns 2 of the Second Schedule annexed hereto in all its/their language versions to be of the description specified against it/each in column 6 of the said Second Schedule.

## FIRST SCHEDULE

(1) Sub-section (4) of the Section 12 of the section 16 of the Cinematograph Act, 1952 (Central Act XXVII of 1952).

(2) Sub-section (3) of sections 5 and section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).

## SECOND SCHEDULE

S. No.	Title of the film	Length 35 mm	Name of the applicant	Name of the producer	Whether a Scientific film or a film intended for educa- tional purposes or a film dealing with news & current events or a docu- mentary film
1	2	3	4	5	6
1.	Maharashtra News No. 288	296.00 Metres	The Director of Information and Public Relations Govt. of Maharashtra, Bombay.	News & Current events, (for release in Maharashtra Circuit).	

[File No. 6/1/75-F(P)App. 2037]

R. D. JOSHI Section Officer(Special)

धर्म मंत्रालय

ग्रामेश

नई दिल्ली, 30 जुलाई, 1975

का० धा० 30.—केन्द्रीय सरकार की यह धारा है कि इससे उपाध्यक्ष अनुसूची में विनियोग विधेय के बारे में एक और भारतीय धारा नियम को मार्जने राइट विज, सेंट्रलराइटल के प्रबन्धनन्तर से सम्बद्ध नियोजकों तथा श्री मुख्यमंत्री अम्यर, डेकेदर, 32, आंडर ट्रैट, तिस्ती और उनके कर्मकारों के द्वारा एक श्रीदेविक विवाद विदावान है;

अतः अब, श्रीदेविक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के अंधे (घ) द्वारा प्रबन्ध एकियों का प्रयोग करते हुए, केन्द्रीय सरकार एक श्रीदेविक विवाद विवाद विवाद विवाद को उक्त अधिकारण को न्यायनिर्णयन के लिये निवेशन करती है;

अतः अब, श्रीदेविक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के अंधे (घ) द्वारा प्रबन्ध एकियों का प्रयोग करते हुए, केन्द्रीय सरकार एक श्रीदेविक विवाद विवाद विवाद को उक्त अधिकारण को न्यायनिर्णयन के लिये निवेशन करता है।

## अनुसूची

(1) क्या भारतीय धारा नियम का मार्जन राइट विज, ग्रामेश को आकस्मिक अधिकारी—सर्वेश्वी के०ए० धनगाल, एम०कुंजेश्वान, पी० विद्यावाचार्यजन् और टी० वाल गुरुद्वार्ष्यन् को जो श्रीदेविक प्रणित विवाद के धारक हैं और जिनकी एक धर्म की ओर उसके अधिक सेवा है, प्रलालकों के रूप में प्रवासित किया जाना चाहिये और ग्रामेशकों का धर्मी वेतन दिया जाना चाहिये। यदि हाँ, तो, किस तारीख से ?

2. क्या भारतीय धारा नियम का मार्जन राइट विज, ग्रामेश को आकस्मिक अधिकारी सर्वेश्वी जी०जगत्तामन् धारा० गवनीतन् इंद्रशेखरन

और एतो घटन की जो बॉयलर एटेंडर प्रमाणपत्र के धारक है, बॉयलर एटेंडर की श्रेणी वी जानी चाहिये यदि हो, तो किस तारीख से ?

3. क्या भारतीय खाद्य निगम का मार्गदर्शक मिल, सेवानारकोदय के श्रमिकों का, आकस्मिक श्रमिकों को राष्ट्रीय और खौदार के अवकाश दिनों की मजबूती सहित लुट्रियां दिये जाने की मांग न्यायोचित है ? यदि हो, तो अपेक्षा में कौन कौन से राष्ट्रीय खौदार के अवकाश दिन दिये जाने चाहिये ?

[सं० एल०-42011(1)/75-डी०-2(बी०)  
हरबन्स बहादुर, अनुभाग अधिकारी

### MINISTRY OF LABOUR

#### ORDER

New Delhi, the 30th July, 1975

**S.O. 30.**—Whereas the Central Government is of opinion an industrial dispute exists between the employers in relation to the management of the Modern Rice Mill of the Food Corporation of India, Sembanarkoil and Shri Muthuswamy Iyer, Contractor, 32, Andar Street, Tiruchy on the one hand and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Thiru T. Palaniappan shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

#### SCHEDULE

- (1) Whether the casual workmen of the Modern Rice Mill of the Food Corporation of India, Sembanarkoil Sarvashri K. S. Dhanapal, M. Kunjaiyan, Ponmuthur, K. Thiaharajan and T. Balasubramanian, holders of Industrial Training Institute Certificates with one year's service and more should be designated as Operators and given the grade pay of Operators, and if so, from which date ?
- (2) Whether the casual workmen of the Modern Rice Mill of the Food Corporation of India, Sembanarkoil, Sarvashri G. Jayaraman, R. Navaneethan, Inbasekaran and N. Chandran, holders of Boiler Attender Certificate should be given the Boiler Attender's grade, and if so, from which date ?
- (3) Whether the demand of the workmen of the Modern Rice Mill of the Food Corporation of India, Sembanarkoil for grant of National and festival holidays with wages to the casual workers as justified ? If so, which National and festival holidays should be granted in a year ?

[No. L. 42011(1)/75-D. 2(B)]

HARBANS BAHADUR, Section Officer

आवेदन

नई दिल्ली, 4 अक्टूबर, 1975

**का०ध० 31.**—इससे उपायदू अनुसूची में विनियिष्ट श्रोद्योगिक विद्यार्थी, श्रोद्योगिक अधिकारण दिल्ली के समक्ष पर्याप्त हैं;

और अधिक भारतीय पंजाब नैशनल बैंक कर्मचारी संघम ने केन्द्रीय सरकार से यह निवेदन किया है कि उक्त श्रोद्योगिक विद्यार्थी को श्रोद्योगिक अधिकारण प्रधानमंत्री द्वारा इस कारण स्थानान्तरित कर दें कि दस्तावेजी

और मॉडिल सभी साक्ष्य दर्शी में हैं और उन्हें दिल्ली तक लाना कर्मचार के लिये बड़ा कठिन होगा और इसलिये प्रधानमंत्री उसके लिये सुविधापूर्ण होगा।

और पंजाब नैशनल बैंक का प्रबन्धनन्द इससे सहमत है,

अतः श्रव केन्द्रीय सरकार, श्रोद्योगिक विद्यार्थी अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 33-क भी उपधारा (i) द्वारा प्रवत्त प्रश्नों का प्रयोग करते हुए एक श्रोद्योगिक अधिकारण गठित करती है जिसके पीछासे अधिकारी भी एम० प०० शाह होंगे, जिनका मुख्यालय प्रधानमंत्री द्वारा में होगा, और श्रोद्योगिक अधिकारण दिल्ली से उक्त विवाद से सम्बद्ध कारबाई को बाप्त लेती है और उसे श्रोद्योगिक अधिकारण प्रधानमंत्री को स्थानान्तरित करती है और यह निर्देश देती है कि उक्त कारबाई को उसी प्रक्रम के प्रारम्भ करेगा जिस पर वह उसे स्थानान्तरित को गई है और उसका विधि के अनुसार नियमान्वयन करेगा।

#### अनुसूची

विद्यार्थी के प्रधारार निर्देश संघ और आरोपी

पंजाब नैशनल बैंक और सं० एल०-12012/20/75-डी० 11/ए)

उसके कर्मचार तारीख, 30 मई, 1975.

[सं० एस० 12012/20/75-डी० II प]

#### ORDER

New Delhi, the 4th October, 1975

**S.O. 31.**—Whereas the industrial dispute specified in the Schedule hereto annexed is pending before the Industrial Tribunal, Delhi;

And, whereas the All India Punjab National Bank Employees' Association have requested the Central Government for transferring the said dispute to an Industrial Tribunal at Ahmedabad for the reason that since the entire evidence, both oral and documentary, is at Dabhoi, it would be a great hardship for the workman to bring it to Delhi and Ahmedabad would, therefore be more convenient for him;

And, whereas, the management of the Punjab National Bank are agreeable to this;

Now, therefore, in exercise of the powers conferred by section 7A and sub-section (i) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. U. Shah shall be the Presiding Officer with headquarters at Ahmedabad and withdraws the proceedings in relation to the said dispute from the Industrial Tribunal, Delhi, and transfers the same to the Industrial Tribunal, Ahmedabad, and directs that the said Tribunal shall proceed with the said proceedings from the stage at which it is transferred and dispose of the same according to law.

#### SCHEDULE

##### Parties to the dispute

Punjab National Bank  
and their workmen

##### Number and date of reference

Dated 31st May, 1975.

[No. L-12012/20/75-D-IIA]

**का० आ० 32.**—इससे उपायदू अनुसूची में विनियिष्ट श्रोद्योगिक विद्यार्थी, श्रोद्योगिक अधिकारण दिल्ली के समक्ष पर्याप्त हैं;

श्रोद्योगिक भारतीय पंजाब नैशनल बैंक कर्मचारी संघम ने केन्द्रीय सरकार से यह निवेदन किया है कि उक्त श्रोद्योगिक विद्यार्थी को श्रोद्योगिक अधिकारण प्रधानमंत्री द्वारा इस कारण स्थानान्तरित कर दें कि दस्तावेजी

प्रधिकरण अहमदाबाद को इन कारण इत्यादित कर दें तो इसाईओ और शैक्षिक गणी द्वारा दृष्टिगत भौमि विज्ञी ताक लाना कर्मकार के लिए बड़ा गठित होगा और इस लिए अहमदाबाद उपर के लिए संधिपूर्ण होगा;

और दूसरा तीव्रता वैक के प्रबंधनल ने देवदीप अस्कार से उपर विवाद को शैक्षिक प्रधिकरण मुमर्द लो स्थानांतरित करने के लिए निर्वेदन दिया है क्योंकि बत्तगान थेनीय प्रबंधक, बंजार नेशनल वैक मुमर्द के नियंत्रण के व्यवीत आगे बाले दियाये रो गंवड़ हैं;

और केन्द्रीय सरकार की यह राय है कि मध्य द्वारा दिए गए कारण उचित और स्वीकारी हैं;

अतः अब केन्द्रीय सरकार, शैक्षिक प्रधिकरण अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 33 व्य की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करके हुए एक शैक्षिक प्रधिकरण गठित करती है जिसके पीड़ासीन अधिकारी श्री के० एन० य० लाल होंगे, जिनका मुख्यालय अहमदाबाद में होगा, और शैक्षिक प्रधिकरण दिल्ली से उक्त विद्याद से संबद्ध कारवाई को वापस लेती है और उसे शैक्षिक प्रधिकरण अहमदाबाद को स्थानांतरित करती है और यह लिंग लेती है कि उक्त कारवाई को उसी प्रक्रम से प्राप्त करेगा जिस पर वह उसे स्थानांतरित की गई है और उसका विविध के अनुसार निपटान करेगा।

### अनुसूची

विवाद के पक्षकार	नियंत्रण यंत्रा और नामिय
पंजाब नेशनल वैक और उनके सं०	एल-12012/23/75-डी० 11/ए तारीख 30 मई, 1975 [ग० एल० 12012/23/75-डी० II/ए०]

### ORDER

**S.O. 32.**—Whereas the industrial dispute specified in the Schedule hereto annexed is pending before the Industrial Tribunal, Delhi;

And, whereas the All India Punjab National Bank Employees Association, have requested the Central Government for transferring the said dispute to an Industrial Tribunal at Ahmedabad, for the reason that since the entire evidence, documentary and oral, is at Himgatnagar it would be a great hardship for the workman to bring the same to Delhi and Ahmedabad would, therefore, be more convenient for him;

And whereas the management of the Punjab National Bank have requested the Central Government for transferring the said dispute to the Industrial Tribunal, Bombay, as the instant dispute relates to matters under the control of the Regional Manager of the Punjab National Bank, Bombay;

And, whereas the Central Government is of the opinion that the reasons given by the Union are proper and acceptable;

Now, therefore, in exercise of the powers conferred by section 7A sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. L. Shah shall be the Presiding Officer with headquarters at Ahmedabad and withdraws the proceedings in relation to the said dispute from the Industrial Tribunal, Delhi, and transfers the same to the Industrial Tribunal, Ahmedabad, and directs that the said Tribunal shall proceed with the said proceedings from the satge at which it is transferred and dispose of the same according to law.

### SCHEDULE

Parties to the dispute	Number and date of reference [No. L-12012/23/75-D. II A]
Punjab National Bank and their workmen.	dated 30th May, 1975. [No. L-12012/23/75-D. II A]

### वारेंगा

नई दिल्ली, 6 अक्टूबर, 1975

का०प्रा० 33—इसमे उपावद अनुसूची में विनिर्दिष्ट शैक्षिक प्रधिकार श्री एन० एच० जे० नक्की शीडाई अधिकारी शैक्षिक प्रधिकरण द्वारा लानपुर के संपर्क नहिं है;

और श्री एन० एच० एच० नक्की की रेशाएँ अब उपलब्ध नहीं हैं।

अतः अब शैक्षिक प्रधिकरण अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 33 व्य की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करके हुए एक शैक्षिक प्रधिकरण गठित करती है जिसके पीड़ासीन अधिकारी श्री के० एन० श्रीवास्तव होंगे, जिनका मुख्यालय कानपुर में होगा और श्री एन० एच० जे० नक्की से उक्त विवाद से संबद्ध कार्यालयों को वापस लेती है और उसे श्री के० एन० श्रीवास्तव, धीड़ासीन अधिकारी शैक्षिक प्रधिकरण को इस विवेश के साथ अन्तरित करती है कि उक्त प्रधिकरण और उसे उसी प्रक्रम से कार्यवाही करेगा जिन पर वह उसे अन्तरित की गई है और विविध के अनुसार उसका निपटान करेगा;

### अनुसूची

अनुसूची	शैक्षिक प्रधिकरण का नियंत्रण संक्षा	शैक्षिक प्रधिकरण का नियंत्रण संक्षा	शैक्षिक प्रधिकरण का नियंत्रण संक्षा
1	2	3	4
1. शोरियंटल फायर प्रैंड जनरल	सं० 70(14)/66-एल०प्रा० 3	सं० 70(14)/66-एल०प्रा० 3	
इंजिनियरिंग कार्पोरेशन लिमिटेड, लाल-	हाउस और उनके कर्मकार	तारीख 22 जून, 1967	
2. —योगोक्त—		सं० 70/14/68-एल०प्रा० 4	तारीख 2 दिसम्बर, 1967
3. बैंक आफ बड़ौदा, लालनऊ और उनके कर्मकार		सं० एल० 12012/108/71 एल०	आर० 3
		तारीख 24 फरवरी, 1972	
4. इलाहाबाद बैंक, लालनऊ और उनके कर्मकार		सं० एल० 12012/70/73-एल०	आर० 3
		तारीख 13 सितम्बर, 1973	
5. इलाहाबाद बैंक, लालनऊ और उनके कर्मकार		सं० एल० 12012/77/73/एल०	आर० 3
		तारीख 16 अक्टूबर, 1973	
6. —गयोक्त—		सं० एल० 12012/75/73/एल०	आर० 3
		तारीख 31 अक्टूबर, 1973	
7. बाटेंड बैंक, कानपुर और उनके कर्मकार		सं० एल० 12012/87/73/एल०	आर० 3
		तारीख 23 दिसम्बर, 1973	
8. भारतीय स्टेट बैंक कानपुर और उनके कर्मकार		सं० एल० 12012/186/72/एल०	आर० 3
		तारीख 9 जनवरी, 1970	
9. भारतीय बांध निगम, बरेशी		सं० एल० 12012/53/73/एल०	आर० 3
		तारीख 23 सितम्बर, 1974	
10. बैंक आफ बड़ौदा, लालनऊ और उनके कर्मकार		सं० एल० 12012/64/74/एल०	आर० 3
		तारीख 15 नवम्बर, 1974	

1	2	3
11.	बैंक आफ लडोवा, लखनऊ श्रीर उनके कर्मकार	सं० ए० 12012/65/74/एल आर 3 तारीख 17 जनवरी, 1975
12.	सैन्टल बैंक आफ इण्डिया, कानपुर श्रीर उनके कर्मकार	सं० ए० 12012/90/74/एल आर 3 तारीख 17 फरवरी, 1975
13.	यूनियन बैंक आफ इण्डिया, लखनऊ श्रीर उनके कर्मकार	सं० ए० 12012/125/74-ए० आर 3 तारीख 12 फरवरी, 1975
14.	भारतीय लीसिंग बीमा सिंगम, कानपुर श्रीर उनके कर्मकार	सं० ए० 17012/22/73 ए० आर 1 श्री श्री 11 (५) तारीख 6 फरवरी, 1975
15.	इलाहाबाद बैंक, लखनऊ श्रीर उनके कर्मकार	सं० ए० 12012/45/74/एल आर 3 तारीख 25 फरवरी, 1975
16.	पंजाब नेशनल बैंक कानपुर श्रीर उनके कर्मकार	सं० ए० 12012/124/74/एल आर 3 तारीख 20 फरवरी, 1975
17.	यूनाइटेड कर्मिण्यल बैंक, लख- नऊ श्रीर उनके कर्मकार	सं० ए० 12012/119/74/ए० आर 3 तारीख 20 फरवरी 1975
		[सं० ए० 12012/77/73/एल आर 3]

- Allahabad Bank, Lucknow No. L-12012/70/73-LR.III dated and their workmen. 13th September, 1974.
- Allahabad Bank, Lucknow No. L-12012/77/73/LR.III and their workmen dated 16th October, 1973.
- do- No. L. 12012/75/73/LRIII, dated 31st October, 1973.
- Chartered Bank, Kanpur No. L. 12012/87/73/LRIII, and their workmen. dated 26th December, 1973.
- State Bank of India, Kanpur and their workmen. No. L. 12012/186/72/LRIII, dated 9th January, 1974.
- Food Corporation of India Bareilly and their workmen. No. L. 42012/63/73/LRIII, dated 23rd September, 1974.
- Bank of Baroda, Lucknow No. L. 12012/64/74/LRIII, and their workmen. dated 15th November, 1974.
- do- No. L. 12012/65/74/LRIII, dated the 17th January, 1975.
- Central Bank of India, Kanpur and their workmen. No. L. 12012/90/74/LRIII, 17th February, 1975.
- Union Bank of India, Lucknow and their workmen. No. L. 12012/125/74/LRIII, dated 12th February, 1975.
- Life Insurance Corporation of India, Kanpur and their workmen. No. L. 17012/73/LR. I. D.O. II (A)/74 dated the 6th February, 1975.
- Allahabad Bank, Lucknow No. L. 12012/45/74/LR.III, and their workmen 25th February, 1975.
- Punjab National Bank, Kanpur and their workmen. No. L. 12012/124/74/LR.III, dated the 20th February, 1975.
- United Commercial Bank Lucknow and their workmen. No. L. 12012/119/74/LR.III, dated the 20th February, 1975

## ORDER

Delhi the, 6th October, 1975.

S.O. 33.—WHEREAS the industrial disputes specified in the Schedule hereto annexed are pending before Shri S.H.J. Naqvi, Presiding Officer, Industrial Tribunal, Kanpur.

AND WHEREAS the services of the said Shri S.H.J. Naqvi, are no longer available;

NOW, THEREFORE, in exercise of the powers conferred by section 7A, and sub-section (i) of Section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri K.N. Srivastava shall be the Presiding Officer, with headquarters at Kanpur withdraws the proceedings in relation to the said disputes pending before Shri S.H.J. Naqvi and transfers the same to Shri K.N. Srivastava, Presiding Officer, Industrial Tribunal, Kanpur for the disposal of the said proceedings with the direction that the said Tribunal shall proceed with the said proceedings from the stage at which they are transferred to it and dispose of the same according to law.

## SCHEDULE

Sl. No.	Parties to the dispute	Reference number and date of the Industrial Tribunal.
(1)	(2)	(3)
1.	The Oriental Fire and General Insurance Co. Ltd., Kanpur and their workmen	No. 70 (14)/66-LR.III dated 22nd June, 1967.
2.	-do-	No. 70/14/66-LR.IV dated 2nd December, 1967.
3.	Bank of Baroda, Lucknow and their workmen	No. L-12012/106/71-LR.III dated 24th February, 1972.

[No. L.12012/77/73/LR.III]

## आदेश

नई दिल्ली, 20 फरवरी, 1975

का० आ० 34—इनसे उपायद्र अनुसूची में विनिर्दिष्ट श्रीद्योगिक विवाद, श्रीद्योगिक अधिकारण दिल्ली के समझ लिखित है;

श्रीर प्रतिव्रत भारतीय पंजाब नेशनल बैंक कर्मचारी संगम ने केन्द्रीय सरकार से यह निवेदन किया है कि उक्त प्रौद्योगिक विवाद को श्रीद्योगिक अधिकारण अहमदाबाद को इस कारण स्थानान्तरित कर दे कि दस्तावेजी श्रीर मौद्रिक सभी साक्ष्य हिन्मतनगर में हैं श्रीर उन्हें दिल्ली तक लाना कर्मकार के लिये कठिन होगा श्रीर इसलिए अहमदाबाद उक्ते लिए सुविधापूर्ण होगा;

श्रीर पंजाब नेशनल बैंक के प्रबंधपत्र ने संघ को इस प्रार्थना को अस्वीकार नहीं लिया है;

श्रीर केन्द्रीय सरकार की यह राय है कि संघ द्वारा लिये गये कारण उचित श्रीर स्वीकार्य है;

अतः, श्रीर केन्द्रीय सरकार, श्रीद्योगिक विवाद प्रथितिथम, 1947 (1947 का 14) की धारा 7-क श्रीर धारा 33ब उपधारा (1) द्वारा प्रवत्त एकित्यों का प्रयोग करते हुए एक श्रीद्योगिक अधिकारण गठित करती है जिसके पीठासीन अधिकारी श्री एम० य० शाह होंगे, जिसका मुद्यालय अहमदनगर में होगा श्रीर श्रीद्योगिक अधिकारण दिल्ली से उक्त विवाद से सम्बद्ध कारबाई को बापस लेती है श्रीर उसे श्रीद्योगिक अधिकारण अहमदाबाद को स्थानान्तरित करती है श्रीर यह निवेद देती है कि उक्त अधिकारण उक्त कारबाई को उसी प्रक्रम से



AND

Their Workman.

## APPEARANCE :

On behalf of Employers.—Shri S. Bose, Superintendent (Law).

On behalf of Workmen.—Shri D. L. Sen Gupta, Sr. Advocate, with Shri B. Sinha and Shri P. Sen Gupta, Advocates.

State : West Bengal

Industry : Banking.

## AWARD

The Government of India, Ministry of Labour, Employment and Rehabilitation (new Ministry of Labour), referred the following reference for adjudication to this Tribunal vide its Order No. 23/41/68-LR III, dated 13-9-1968, in respect of an industrial dispute that existed between the Central Bank of India Limited, Calcutta and its workman Shri Haridas Saha. The reference reads as follows :

"Whether the action of the management of the Central Bank of India Limited, Calcutta Main Office, in withholding the due increment of Shri Haridas Saha, Business Canvassor (Junior Officer) for the years 1959 to 1963 was justified? If not, to what relief is the employee entitled?"

2. My learned predecessor Shri B. N. Banerjee tried the case in the first instance by examining Shri Haridas Saha as sole witness on his side and another witness on behalf of the management. Exhibits 1 to 9 on behalf of the management and Exts. A to I on behalf of the workmen were also marked. After trial my learned predecessor made an award holding that Shri Haridas Saha was a workman within the meaning of "workman" as defined in Sec. 2(s) of the Industrial Disputes Act, 1947 and that as such he was entitled to get his increment as prayed for during the period from 1969 to 1963.

3. The management took up the Award to the High Court of Calcutta in a writ proceeding under Article 226 of the Constitution of India. A single learned judge of the High Court dismissed that writ proceeding on 16-9-1970. The management then moved the High Court in appeal against the order and judgment of the learned Single Judge. The Division Bench which heard the appeal disposed of the same by its order and judgment dated 14-8-1973. The Division Bench held that there had been no specific finding by this Tribunal that Shri Haridas Saha used to do supervisory work so as to bring him within the definition of workman under Sec. 2(s) of the Act and that in the interest of justice the Division Bench felt that the award should be set aside giving this Tribunal a direction to rehear the case with liberty for both sides to adduce fresh evidence. Accordingly the award was set aside and the case was remanded to this Tribunal. The Tribunal received copy of the judgement of the Division Bench only on 20-9-1975. The relevant and operative portion of the appellate judgment of the High Court reads as follows :

"The Tribunal however, is directed to rehear the reference after giving opportunity to both the employer and the employee to adduce further evidence on the preliminary issue whether the respondent No. 4 (the workman in this case) is a workman within the meaning of "workman" as defined in Sec. 2(s) of the act. If it is found by the Tribunal that the respondent No. 4 is a "workman" in that case, it shall proceed to adjudicate the case upon the merits and make an award in accordance with law."

In the result, this appeal is allowed, the judgment and order of the learned Judge dated 16th September, 1970 are set aside and the matter is remitted back to the Central Govt. Industrial Tribunal to adjudicate afresh the dispute between the parties in the light of the observations made hereinabove and in accordance with law."

4. This Tribunal tried the case once again on 2-12-1975 during the course of which the management examined two

more witnesses on their behalf. But neither side produced any fresh documents.

5. The question that arises for determination is whether Shri Haridas Saha had been a workman as defined in Sec. 2(s) of the Act during the relevant period, viz., between 1959 and 1963. The workman's claim for increment is restricted to that period as according to both sides the workman's increment beginning from the year 1964 had been paid to him and therefore he did not make any claim for increment for any year after 1963. It may be relevant in that connection to ascertain the basic salary which the workman drew for the period ending with the year 1963. Leaving that matter to be considered at appropriate stage I will first of all state the respective contentions of both the parties regarding the nature of the work, duty, responsibility and functions to have been performed by the workman as an employee of the bank during the relevant period.

6. Shri Saha was appointed in 1968. Since then he has been in continuous service under the bank. He was appointed in 1958 in the grade of a junior officer with the designation of "Business Canvassor". On 22-3-1961 he was transferred to the head office of the bank in Calcutta as a Junior Officer (vide Ext. B) and then he was posted to Hatkhola branch in Calcutta in charge of Home Savings Department. The case of the management is that Shri Saha was working in a supervisory capacity in-charge of his department managing the work of 4 or 5 clerks under him and that his salary was more than Rs. 500 a month. So, the management raises the contention that the workman concerned goes out of the definition of 'workman' in Sec. 2(s) of the Act as he was employed in a supervisory capacity drawing wages exceeding Rs. 500 a month. If this contention of the management is found acceptable it follows that the workman in his will not be entitled to get the increment he asked for; on the other hand, if it is to be held that he was a workman as defined in Sec. 2(s) of the Act during the relevant period, an award has to be passed as prayed for in his favour.

7. For a clear understanding of the question involved in the case it is relevant to quote the definition of the 'workman'. It is defined as follows in Section 2(s) of the Act :

"(s) "workman" means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

- (i) who is subject to the Army Act, 1950, or the Air Force Act, 1950, or the Navy (Discipline) Act, 1934; or
- (ii) who is employed in the police service or as an officer or other employee of a prison; or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

I may point out at once that the management did not argue that their contention falls within clause (iii) or the latter part of clause (iv) reading as 'exercises either by the nature of the duties attached to the office or by reason of the power vested in him, functions mainly of a managerial nature'. The management on the other hand laid stress on the first part of clause (iv) reading as, "who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem...". Anyway, the applicability of clause (iv) has to be considered in its entirety for a final adjudication of the dispute between the parties.

8. There was no documentary evidence to prove that a Junior officer like Shri Halidas Saha was invested with any supervisory, managerial or administrative power on his being appointed in that capacity in 1961 or earlier. The third witness for the management had readily answered to a question put to him that the nature of the work and duty of a Junior officer was determined by long practice and usage in the bank and not on the basis of any written instrument. So on behalf of the management three witnesses were examined to prove the alleged usage and practice. The first witness stated, "I am not aware of anything regarding the case of this particular workman involved in the reference". The 2nd witness stated, "I have no personal knowledge about the nature of duties performed by Mr. Saha before 1968". As we are concerned with the nature of the work performed by the workman during the relevant period from 1959 to 1963, the evidence of neither the 1st witness nor the 2nd witness of the management would help us at all to decide the issue whether the workman was employed in the bank in the supervisory, administrative or managerial capacity. Then remained the evidence of the 3rd witness. That evidence will be considered later. However, the workman had denied that he worked in any supervisory capacity much less in managerial or administrative capacity. The management had also not adduced any evidence to prove that the workman was employed in any managerial or administrative capacity. In the absence of any evidence clause (iii) of Sec. 2(s) cannot be applied to this case.

9. We have therefore to consider whether clause (iv) would apply to this case. This clause excludes such a person who being employed in supervisory capacity provided he draws wages exceeding Rs. 500 per mensem or exercises, either by the nature of the duties attached to the office or by reason of the power vested in him, functions mainly of managerial nature. The 3rd witness of the management was working as an Accountant in Hatkhola branch of the bank from 1954 to May, 1963. The workman joined the service of that branch since September, 1961. So the witness could not have known the work and duties of the workman at any time prior to September, 1961 as it is admitted that the workman was in the Head Office for a short period before September, 1961 and that he was a "business canvassor" prior to 22-3-1961. So the personal knowledge of the 3rd witness was limited to the period from September, 1961. Any way, the evidence of the 3rd witness revealed that Shri Saha was a Junior officer in charge of Home Saving department with 4 or 5 clerks working under him. He was said to be supervising those clerks by extracting work from them. He was alleged to have controlled their work as he had the right to transfer a clerk from one ledger to another ledger of the same section. He was also alleged to have allotted work to those clerks working under him. But it is clear from his evidence that the concerned workman had no independent right to control the workman. He had no right to grant leave to them; he had no right to ask any explanation from them if they came late or they disobeyed his orders. Administratively they were under the control of the Agent who is in overall charge of the bank. The junior officer works under him. They are subordinate to the Agent. The junior officer has to release vouchers and verify cheques in the course of their routine work. Reliance was placed on exhibits C, D and G which were produced on behalf of the workman to show that he had admitted his supervisory capacity in those documents. Ext. C does not contain any such admission. In Ext. D, the relevant portion relied upon reads, "I am now placed in Hatkhola branch and I am in-charge of H/S Deptt. as well as I supervise outward bills with the designation of 'Junior officer'". This part of Ext. D does not indicate that there had been any supervision of the work over his subordinates. The supervision of outward bills will not constitute supervision over the work of his staff. However in the last but one paragraph in Ext. G there is a statement that the workman had been deputed to supervise in various departments. That sole statement by itself is not a sufficient circumstance to hold that he was invested with supervisory work. A casual supervision is not what is contemplated by clause (iv) of Sec. 2(s) of the Act. It is necessary to show that he has been employed in fact and substance mainly in supervisory capacity.

10. The workman concerned in this case has to be a good deal of checking in respect of cheques, vouchers, bills, etc., as in the capacity of an officer who is subordinate to the Agent. That part of his work is only of a routine nature. It is akin to the work of a clerk. The clerical nature of

the work cannot be deemed to be that of a supervising agent. In this regard a reference to the decision reported in *Ananda Bazar Patrika v. Its Workmen*, 1969 (2) L.J., 670 (Supreme Court) is very material. In that case the dispute related to the retrenchment of an employee. The claim was resisted by the employer on the ground that the employee was working in supervisory capacity and his total wages at the relevant time exceeded Rs. 500/- per month. Therefore, he was excluded from the definition of a workman by Sec. 2(s)(iv) of the Act. The question posed for consideration there was, whether he was working in a supervisory capacity or doing clerical work? The Labour Court rejected the contention of the employer. In appeal of Special leave, the Supreme Court on the basis of the facts on record affirmed the view of Labour Court that the workman was employed on clerical work and not in supervisory capacity because the principal work that he was doing was of maintaining and writing the case book and of preparing various returns. Being the senior-most clerk, he was put in charge of the Provident Fund Section and was given a small amount of control over the other clerks working in his section. The only power he could exercise over them was the allocation of work between them, to permit them to leave during office hours and to recommend their leave applications. On these facts, it was held that these minor details of supervisory nature could not convert his office of Senior clerk in charge into that of supervisor. The designation of the post which the workman held at the relevant time is not the criterion for an inference that he would have been working in a supervisory capacity. The post of the junior officer had been held by him since his induction to the service of the bank as "business canvassor" long before September, 1961. There was no case then that he held the post in a supervisory capacity. The dispute as to the working in supervisory capacity arises only after his appointment as an officer since September, 1961. The workman's claim for increment begins with effect from 1959. As pointed out already it was nobody's case that he worked in supervisory capacity before September, 1961. The evidence was that he exercised supervisory rights over his subordinate staff after his appointment in September, 1961 at the Hatkhola branch of the bank. Assuming that he had exercised some sort of supervision over the clerks in his branch in the matter of their work and conduct that by itself will not be sufficient to bring him within the ambit of clause (iv) of Section 2(s) of the Act.

11. In this regard I will again refer to the Supreme Court ruling reported in *Ananda Bazar Patrika v. Its Workmen*, 1969(2) L.J., 670. The observation there at page 671 is relevant for the purpose of this case. It reads :—

"The question, whether a person is employed in a supervisory capacity or on clerical work, in our opinion depends upon whether the main and principal duties carried out by him are those of supervisory character or of a nature carried out by a clerk. If a person is mainly doing supervisory work, but, incidentally or for a fraction of the time, also does some clerical work, it would have to be held that he is employed in supervisory capacity; and, conversely, if the main work done is of clerical nature, the mere fact that some supervisory duties are also carried out incidentally or as a small fraction of the work done by him will not convert his employment as a clerk into one in supervisory capacity."

12. Looking at the facts and circumstances of this case in the light of the above decision, I am constrained to hold that the workman concerned was pre-eminently put in charge of his section for getting the bank's work done through him as a clerk who is subordinate to the Agent as the latter is in overall charge of the bank. The workman's occasional checking of the ledger clerk or transferring one ledger clerk to another ledger thereby extracting sufficient work from them for the betterment of the bank will not give him any supervisory right when there is absolutely no corresponding right vested in him to take the clerks to task if they disobey his orders. The evidence of the 3rd witness did not in any manner advance the case of the management on the question that the workman performed his duty in a supervisory capacity. His evidence has therefore carried no weight in establishing the management's case.

13. The evidence on record was also not conclusive to prove whether the workman in question drew a salary exceeding Rs. 500/- per mensem during the relevant period from

1959 to 1963, which is the period for which he claimed increments. We are concerned with the salary he drew during the period for the purpose of bringing his case within clause (iv) of Sec. 2(s) of the Act. As in all exceptions to a particular rule it is incumbent upon the management to prove that the workman concerned goes out of the definition of a workman under the Act as he drew as wages exceeding Rs. 500/- a month. There was definite admission from the first witness of the management that the workman's salary exceeded Rs. 500/- a month only since July, 1964. He stated, "The wages of Haridas Saha exceeded Rs. 500/- for the first time in July, 1964". Again, both parties submitted before the Conciliation officer during the conciliation proceeding that Sri Saha drew less than Rs. 500/- a month by way of wages and the conciliation officer accepted that figure (See page 86 of the file relating to depositions of witnesses and documents). After giving the details of the pay for every year from 1958 to 1963 in his failure report the Conciliation officer stated, "In neither of these above years Shri Saha received wages exceeding Rs. 500/- p.m." The Tribunal had no occasion to consider earlier the quantum of wages which the workman received during the relevant period. Now it is clearly established that the workman did not draw wages exceeding Rs. 500/- per mensem during the relevant period. I find, therefore, that the workman Shri Saha is not excluded from the ambit of the definition of a workman under Section 2(s) of the Industrial Disputes Act by virtue of the circumstances contained in clauses (iii) and (iv) thereof. On the other hand, I find that he is a workman as defined in Section 2(s) of the Act.

14. It follows that Shri Saha is entitled to the increment he asked for in respect of the years 1959, 1960, 1961, 1962 and 1963. The increment had not been withheld by any order passed against him at the instance of the Bank. It is therefore legitimate that he is entitled to the increments.

15. In the result, an award is made in favour of the workman Shri Haridas Saha granting him the increment for the years from 1959 to 1963. The employer bank will pay the same.

E. K. MOIDU, Presiding Officer.  
[No. L-12025/79/75/D II/A]

Dated, Calcutta,

The 9th December, 1975.

New Delhi, the 20th December, 1975

**S.O. 37.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Allahabad Bank and their workmen, which was received by the Central Government on the 18th December, 1975.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
AT CALCUTTA**  
Reference No. 21 of 1975

**PRESENT:**

Justice E. K. Moidu, Presiding Officer.

**PARTIES:**

Employers in relation to the Allahabad Bank,

AND

Their Workmen.

**APPEARANCES:**

On behalf of Employers—Shri G. D. Maheswari, Law Officer.

On behalf of Workman—Sri Ashok Kumar Singh, Org. Secretary, All India Allahabad Bank Employees' Association.

State : West Bengal.

Industry : Banking.

**AWARD**

The only question that arises for decision in this reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 is whether the action of the management of Allahabad Bank in posting Shri Shambhu Narayan Roy to Natunganj (Burdwan) as Special Assistant is justified. That is the purport of a Reference of the Ministry of Labour, Government of India in their Order No. L-12012/134/74-LRIII, dated 7-3-1975, which was referred to this Tribunal for adjudication.

2. The contention of the parties, the Allahabad Bank of India Staff Association on one side on behalf of the workman and the management of the Allahabad Bank, Calcutta on the other hand is centred round the posting of Shri S. N. Roy (Shambhu Narayan Roy) on promotion as Special Assistant to Natunganj branch which is in Burdwan District while he was working as a clerk in the Calcutta Branch of the Bank. The promotion was necessitated due to the opening of a new branch in Natunganj with effect from 29th December, 1972. Three more branches were also to be opened, one at Park Street, the other at Lake Gardens and a third at Tollygunge respectively with effect from 27-12-72, 27-12-72 and 28-12-72. But all those branches were to be opened in Calcutta. The posting of Special Assistants was on seniority basis from among the clerks' cadre. The order of seniority among the five following clerks was as follows :

- (1) Nikhil Ranjan Dey
- (2) Jibana Das
- (3) Dasarath Singh
- (4) Shambhu Narayan Roy
- (5) Herambo Das

It was out of the first four clerks that promotion was to be made to fill up the vacancies in the four new branches including Natunganj branch referred to above. The management offered the first three vacancies in Park Street, Lake Gardens and Tollygunj to the above Nos. 1 to 3 respectively in order of their seniority in writing on 22-12-72. But the offer to be made to No. 4 S. N. Roy for the vacancy to be commenced in Natunganj branch with effect from 29-12-1972 could not be served on S. N. Roy until 2-1-1973. In the meanwhile No. 2 Jibana Das refused the offer of his posting to Lake Garden branch on the 22-12-72 itself. The management instead of making a fresh offer of posting to S. N. Roy to Lake Gardens Branch either on 22-12-72 or at least on 23-12-72 had chosen No. 5 Herambo Das for appointment as Special Assistant at Lake Gardens. Herambo Das was junior to S. N. Roy. The original letter offering the post of Special Assistant to S. N. Roy at Natunganj was despatched by the management on 30-12-72. Ext. M-4 dated 23-12-72 is the copy of that letter. The original was despatched vide Ext. M 10 postal receipt on 30-12-72 in respect of the post of Special Assistant at Natunganj Branch which had to come into operation with effect from 29-12-72.

3. The period from 22-12-72 to 30-12-72 was very important in the matter of posting of S. N. Roy to Natunganj Branch. The management knew that No. 2 Jibana Das had refused his posting at Lake Gardens even at 11 A.M. on 22-12-72. Why then the offer to be made to S. N. Roy was delayed till 23-12-72. The branch at Natunganj was to be opened only on 29-12-72. There was time enough to intimate S. N. Roy that he could go to Lake Gardens instead of Natunganj since the latter branch was to be opened only on 29-12-72. The Lake Gardens branch was to be opened earlier which was on 27-12-72. Chance of an earlier vacancy had risen at Lake Gardens with effect from 22-12-72 itself owing to the refusal made by No. 2, Jibana Das and that there was no reason why that vacancy should be offered to S. N. Roy. He was present on duty at the Calcutta branch on the 22nd, 23rd and 26th December, 1972. It was true that he left the office little earlier on 26-12-72 owing to the illness of his wife. The 2nd witness on behalf of the management sought to explain that in spite of his best efforts he could not serve the notice, the original of Ext. M-4 to S. N. Roy either on the 23rd or 26th December, 1972. S. N. Roy stated that he was bodily present in his seat both on the 23rd and 26th December, 1972. A colleague of his examined as second witness of the workman swears that to his knowledge nobody came in the Section from the Head Office with a notice to serve on S. N. Roy on the 23rd December, 1972. It could not be said that S. N. Roy absented from duty without leave. There was no evidence of any disciplinary action

against him for its alleged absence from duty either on the 23rd or 26th. S. N. Roy gave evidence that he attended office on these days, 24th and 25th December, being holidays. The attempt of the 2nd witness to serve notice on S. N. Roy either on 23rd or 26th was not proved through any records maintained for the purpose except Ext. M. 5. This was dated 27-12-72. It was also not properly proved. It should be held, therefore, that the management would not have made any attempt to serve Ext. M 4 notice on S. N. Roy either on 23rd or on 26th. Ext. M 7 dated 26-12-72 was an application of S. N. Roy asking for permission to leave the office Ext. M 8 dated, 28-12-72 was his application for casual leave for the 27th and 28th December. Again he took 2 more days casual leave on 29th and 30th December vide Ext. M 9 dated 30-12-72. It was thereafter on 30-12-72 that the original of Ext. M 4 offer was sent to S. N. Roy (vide Ext. M 10—postal receipt dated 30-12-72).

4. The management having failed to establish that the offer made to S. N. Roy to be posted in Natunganji Branch had reached S. N. Roy before 2-1-1973, the logical inference was that S. N. Roy was not in a position to accept the offer. So it was evident that the earlier vacancy in Lake Gardens with effect from 27-12-72 should have been earmarked to S. N. Roy as soon as No. 2 Jibananda Das refused the offer at 11 A.M. on 22-12-72. No. 5 Herambo Das, who was junior to S. N. Roy should not have been brought into the picture. This would have caused prejudice to S. N. Roy in future promotions. Herambo Das having taken charge of Lake Gardens Branch with effect from 27-12-72, is expected to contend that he would be senior to S. N. Roy in the cadre of Special Assistants. It would be difficult to negative his contention at a later date when a question arises as to the seniority in between S. N. Roy and Herambo Das for the purpose of future promotion. The management did not give any satisfactory explanation on the question as to the relative seniority between them on a future occasion if Herambo Das was permitted to continue in Lake Gardens on the basis of his posting with effect from 27-12-72.

5. The order of the management regarding filling up of vacancies in the cadre of Special Assistants is contained in Ext. M-3 dated 10-12-1970. It reads :

"As and when any vacancy of a Special Assistant occurs in any office in future, the seniormost clerk will immediately be appointed in that vacancy and in any subsequent vacancy, the next seniormost person will be promoted, without waiting for the reply from the first person and so on. In case a number of vacancies occur at one and the same time they will be filled up simultaneously. If any candidate refuses to take up the appointment in the vacancy to which he is promoted, the next chance in that vacancy will be given to the seniormost clerk in the State who has not already been offered promotion to any earlier vacancy.

Sd/- B. N. Kapur,  
General Manager  
(ADMINISTRATION)

Is this a departure from  
our usual practice ?

Sd/- B.K.M.

Sir,

We did not have a uniform practice so far. Recently when there were successive vacancies, we waited for the seniormost clerk to join duty in the first vacancy and waited to fill up the next vacancy until the seniormost clerk had joined duty in the first vacancy. If he did not go there, we sent next clerk in that vacancy. This resulted in delay in filling up vacancies and hence the above procedure has been devised. The Union has agreed to this.

Sd/- Dayal Das

11/12

Yes

Sd/- BNK"

This order does not in any manner work any hardship on S. N. Roy with regard to his posting. The order will come into operation only when there was evidence of the offer of the appointment reaching the incumbent giving him chance either to refuse or accept the offer. In the instant case the evidence was not conclusive that S. N. Roy had been intimated as to the offer of his posting to Nutunganji. He had no occasion either to accept or refuse the offer. The management, however need not wait for the reply to come from the incumbent of the post, but the bank management should have made a valid offer to the person concerned to enable him either to accept or refuse the offer. In this case the offer made by the bank did not reach S. N. Roy in time. So vacancy in Lake Gardens ensured to the benefit of S. N. Roy.

6. In view of the failure of the Bank to give intimation of the offer of the posting to S. N. Roy until 2-1-73 it can be presumed in the circumstances of the case that there had been some amount of discrimination on the part of the bank against S. N. Roy or at least there was some ground for the belief that the bank employed bad labour practice in choosing a junior to S. N. Roy to a post which was available to S. N. Roy on 22-12-72.

7. Neither the decision reported in Brook Bond (India) Ltd. v. Their workmen, 1966 (1) LLJ, 402 nor reported in Chartered Bank v. Central Government Industrial Tribunal Calcutta, 1964 (2) LLJ, 347 throw any light on the facts of the instant case. Those cases dealt with promotions which were at the discretion of the management since promotion is a management function. Even in such cases if mala fide and victimization can be presumed from the facts and circumstances of the case the Tribunal would be justified in interfering with promotions. We are not concerned with promotions as such in this case; on the other hand we are concerned with mala fide or victimization presumed to have been exercised by the management in not allowing S. N. Roy getting posted to Lake Gardens branch and at the same time choosing his junior to that post. In the light of the facts and circumstances revealed in this case, I am satisfied that this is a fit case where the Tribunal has to interfere and set aside the transfer of Herambo Das to Lake Gardens branch.

8. Accordingly the transfer and posting of Herambo Das to Lake Gardens Branch of the Allahabad Bank on the basis of Bank's order dated 22-12-1972 is set aside. The management of the Allahabad Bank will take immediate steps in reposting or retransferring S. N. Roy and Herambo Das in appropriate places. I do not think any other order is necessary to be passed in the case.

An award is made as above.

Dated, Calcutta,  
The 11th December, 1975.

E. K. MOIDU, Presiding Officer.  
[No. L-12012/134/75-LR III]

R. KUNJITHAPADAM, Under Secy.

प्रादेश

नई दिल्ली, 21 अक्टूबर, 1975

का० आ० 38—केन्द्रीय सरकार की राय है कि इससे उपायदृष्ट अनुसूची में विनिर्दिष्ट विषयों के बारे में डालमिया दावरी सीमेण्ट लिमिटेड, चर्ची दावरी के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायित्वान्वयन के लिये निर्देशित करना चांगीय समस्ती है;

श्रतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शास्त्रों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकारण गठित करती है जिसके पाइयारी अधिकारी श्री भोहन लाल जैन होंगे, जिनका मुख्यालय फरीदाबाद में होगा और उक्त विवाद को उक्त औद्योगिक अधिकारण को स्थायनिर्णयन के लिये निर्देशित करती है।

## अनुसूची

क्या मैसर्स डालमिया दादरी सीमेण्ट लिमिटेड, चर्की दादरी के प्रबन्ध-तंत्र की, श्री सुन्दर सिंह, माहिनिंग मेट-एवं चौकीदार की परिवीक्षा को समय-समय पर बढ़ाने और 11 फरवरी, 1975 से उसकी सेवाएं समाप्त करने की कार्रवाई साक्षात्कार्यक्रमानुसारित और वैध है? यदि नहीं, तो उक्त कर्मकार किस अनुतोष का हकदार है?

[संख्या एल, 29011/99/75-डी०ओ० ३ बी]

## ORDER

New Delhi, the 21st October, 1975

**S.O. 38.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Dalmia Dadri Cement Limited, Charkhi Dadri and their workman in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Mohan Lal Jain as Presiding Officer with headquarters at Faridabad and refers the said dispute for adjudication to the said Industrial Tribunal.

## SCHEDULE

Whether the action of the management of Messrs Dalmia Dadri Cement Limited, Charkhi Dadri in extending the probation of Shri Sunder Singh, Mining-Matcum-Chowkidar from time to time and in terminating his services with effect from the 11th February, 1975 is bonafide, justified and legal? If not, to what relief is the said workman entitled?

[No. L-29011/99/75-D.O. III B]

## आवेदन

**का० आ० 39.**—केन्द्रीय सरकार की राय है कि इससे उपर्युक्त अनुसूची में विनियिष्ट विषयों के बारे में डालमिया सीमेण्ट लिंग, चर्की दादरी के प्रबन्ध-तंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के कीव एक श्रीधोगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्वाचित करना चाहनीय समझती है;

अतः ग्रंथ, श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के अन्दर (अ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक श्रीधोगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री मोहन लाल जैन होंगे, जिनका मुख्यालय फरीदाबाद में होगा और उक्त विवाद को उक्त श्रीधोगिक अधिकरण को न्यायनिर्णयन के लिये निर्देशित करती है।

## अनुसूची

क्या मैसर्स डालमिया दादरी सीमेण्ट लिंग, चर्की, दादरी की श्री लखी राम, विधिकी की परिवीक्षा समय-समय पर बढ़ाने और 11-2-75 से उसकी सेवाएं समाप्त/सेवामुक्त कर देने की कार्रवाई सद्भावपूर्ण, न्यायोन्नित और वैध है? यदि नहीं, तो उक्त कर्मकार किस अनुतोष का हकदार है?

[संख्या एल-29011/100/75-डी०ओ०-३ब]

## ORDER

**S.O. 39.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Dalmia Dadri Cement Limited, Charkhi Dadri, and their workman in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Mohan Lal Jain as Presiding Officer with headquarters at Faridabad and refers the said dispute for adjudication to the said Industrial Tribunal.

## SCHEDULE

Whether the action of the management of Messrs Dalmia Dadri Cement Limited, Charkhi Dadri in extending the probation of Shri Lakhi Ram, Clerk, from time to time and in terminating his services with effect from the 11th February, 1975 is bonafide, justified and legal? If not, to what relief is the said workman entitled?

[No. L-29011/100/75-D.O. III B]

New Delhi, the 19th December, 1975

**S.O. 40.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Hyderabad, in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited, Mandamari Division (P.O.) Kalyan Khani and their workmen, which was received by the Central Government on the 9th December, 1975.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)  
AT HYDERABAD

## INDUSTRIAL DISPUTE NO. 11 OF 1975

## PRESENT:

Shri T. Narasing Rao, M.A., LL.B., Industrial Tribunal (Central), Hyderabad.

## BETWEEN :

Workmen of Singareni Collieries Company Limited, Mandamari Division, (P. O.) Kalyan Khani.

## AND

The Management of Singareni Collieries Company Limited, Mandamari Division, (P. O.) Kalyan Khani.

## APPEARANCES :

Shri B. Ganga Ram, Vice President, Singareni Collieries Workers Union—for Workman.

Shri D. Gopala Rao, Advocate—for Management.

## AWARD

The Government of India in Ministry of Labour through Notification No. L-21012/13/74-LR. II/D.O. 3(B), dated 31st March, 1975 referred the industrial dispute between the Employers in relation to Mandamari Division, Singareni Collieries Company Limited, Adilabad District and their Workmen, under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 (which would hereinafter be called as the Act) for adjudication by the Tribunal on the following issue :

“Whether the action of the management of Mandamari Division of Singareni Collieries Company Limited, Post Office Kalyan Khani Post Adilabad District, is justified in suspending Shri Gotee Malliah for ten days from 16th June, 1974 to 25th June, 1974? If not, to what relief is the workman entitled?

2. The reference was registered as Industrial Dispute No. 11 of 1975 and notices were directed to the workers' Union and to the Management. On behalf of the workman, the Vice President of the Singareni Collieries Workers' Union filed a claims statement inter-alia alleging that the workman Malliah was charge sheeted on 15-6-1974 and he was immediately suspended pending enquiry. The charge alleged was with regard to allowing four tubs to run forward without sprags from 10 dip as a result, of which three out of four loaded tubs were derailed near 7 dip. The workman gave his explanation stating that the derailment of the three tubs was due to defective sprags and the unequal gradient. It is also alleged that on account of the defective sprags and the unequal gradient, frequent derailments were taking place but the Management has not cared to supply good sprags or for lessening the gradient. It is also contended that the front tub only capsized and the other two tubs were derailed. This is said to be more an accident rather than the result of the negligence of the workman. It is thus contended that the suspension of the workman for 10 days from 16-6-1975 to 25-6-1975 is unjustified. Hence the prayer for cancellation of the suspension order and for payment of wages for the said 10 days.

3. In its counter the Management alleged that in the explanation given by the workman, it was not even contended that the gradient was uneven or that the sprags supplied were of inferior quality. The present allegation that the derailment was due to the above two factors is said to be an after thought. It is also contended that the Management cannot afford to supply inferior quality of sprags at the cost of production and risk to life. The gradient of the mine is said to be determined by technically qualified Mining Engineers. It is thus denied that the derailment of the tubs was due to the defective sprags or due to the uneven gradient. It is also denied that the punishment of suspension was imposed by way of harassment. On account of the above negligence, the Management is said to have suffered loss of production to a tune of Rs. 1,200.00. The suspension without wages for a period of ten days is said to be justified in the above circumstances. The claim of the workman was thus sought to be resisted.

4. At the stage of enquiry the Management reported a compromise and also filed a Settlement into the Tribunal on 10-11-1975. Since the workman or his representative, the Vice President of the Union was not present, the case was posted to 21-11-1975 for verification of the above Settlement, and notice was directed to the workman. The same Vice President of the Union sent a letter that the compromise petition filed into the Tribunal on 10-11-1975 is true and that it also bears his signature and that the said Settlement is also signed by the workman.

5. It is seen from this letter that the Vice President is the same person who filed the claims statement on behalf of the workman and also signed the said Settlement. The signatures on all these three documents are the same. There is thus no difficulty in holding that the said Settlement is also signed by the Vice President of the Union. That apart, from the contents of that letter of the Vice President received in the Tribunal on 19th November, 1975, it stands affirmed that even the concerned workman has signed this Settlement. A perusal of the Settlement would disclose that the same Vice President and the Workman have signed that Settlement. There is thus no impediment in passing the award in terms of the Settlement provided it is held to be in the interest of the workman or that it is a fair and just settlement. A perusal of the terms of the Settlement would disclose that the Management agreed to treat the period of ten days suspension as leave with pay as a special case. This very agreement would meet the claim of the workman. However, it is agreed that the workman has also only six days leave to his credit. In that circumstance the suspension for six days is treated as leave with wages and the balance of four days was agreed to be treated as leave on loss of pay. In the face of these recitals in the Settlement, it would appear that the Settlement is just and fair and also in the interest of the workman. As noted above his claim stands fully satisfied as per the terms of Settlement. There is thus no impediment in basing the award on this Settlement.

6. Hence award passed accordingly in terms of the Settlement. A copy of the said Settlement be enclosed to this award.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 21st day of November, 1975.

INDUSTRIAL TRIBUNAL.  
Appendix of Evidence.

NIL.

INDUSTRIAL TRIBUNAL.  
BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)  
HYDERABAD

COMPROMISE PETITION IN THE MATTER OF  
ID/11/5

BETWEEN

The Workman represented by the Singareni Collieries Workers' Union, Belampalli, P. O. Belampalli, District, Adilabad—A. P. . . . . Workman

AND

The Singareni Collieries Company Ltd. . . . . Employers.

COMPROMISE PETITION FILED BY THE PARTIES  
SHORT RECITAL OF THE CASE :

Shri Gotte Malliah, Trammer, K.K. No. 5 Incline, Mandamari Division was charge sheeted and suspended pending enquiry for negligence of duty and for causing damage to work in progress. He has submitted his explanation and a domestic enquiry was conducted on 27-6-75 by the Asstt. Personnel Officer, Mandamari Division. Basing on the evidence adduced at the time of enquiry and on the findings of the Enquiry Officer, it was revealed that Shri Gotte Malliah was guilty of the charges levelled against him. Thereon the Management confirmed the period of 10 days suspension.

The Singareni Collieries Workers Union raised a dispute over the matter before the Asstt. Labour Commissioner (C) Hyderabad and conciliation discussions were held on 20-10-74 at Mandamari. During the discussions, the Union demanded cancellation of the period of suspension and payment of wages. But the Management could not agree to this demand for obvious reasons and the conciliation proceedings ended in failure.

Subsequently, basing on the recommendations of the Asstt. Labour Commissioner (C) Hyderabad, the Government of India referred this matter for adjudication to the Industrial Tribunal

(C) Hyderabad with the following terms of reference :—

"Whether the Management of the Singareni Collieries Company is justified in suspending Shri Gotte Malliah, Trammer K. K. No. 5. Incline ? If not, to what relief the workman is entitled to?"

This dispute has been registered as ID 11/75 on the file of the Industrial Tribunal (C) Hyderabad.

On 9-8-1975 the Vice President of the S.C. Workers' Union approached the Management for reconsideration. After prolonged discussions, the following terms of settlement have been agreed upon :—

#### TERMS OF SETTLEMENT

- To have continued cordial relations, it is agreed by the Management to treat the period of 10 days suspension as leave with pay due to the workman as a special case.
- On verification of records, it is revealed that the workman has only six days leave with wages to his credit. These six days will be granted to him as leave with wages and the balance of 4 days will be treated as leave on loss of pay.

As a concession to him this gesture on the part of the Management should not be cited as a precedent in any case in future.

Both the parties agreed to submit this Memorandum of Compromise before the Honourable Industrial Tribunal (C) Hyderabad on 10-11-1975 and both the parties respectfully pray that the Honourable Tribunal be pleased to pass an Award in terms of this compromise.

The parties in duty bound shall ever pray.

For Workman :

- (1) Shri B. Gangaram  
Vice President SCW Union.
- (2) Shri Gotte Mallaiah,  
Trammer K.K. No. 5. Inc. MM.

For Employers :

- (1) D. P. Sinha,  
Divisional Superintendent,  
Mandamari Division.
- (2) K. N. Kalyanaraman,  
Divisional Personnel  
Officer, Mandamari Division.

Witnesses :

- (1) A. Parinarayana,  
P. A. to D. S. S. C. Co., Ltd., Mandamari Division.
- (2) P. Venkatarama Reddi,  
Clerk, D.S. Office, S.C. Co., Ltd., Mandamari Division.

[No. L-12012/13/74/LRIV]

New Delhi, the 19th December, 1975

**S.O. 41.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad in the industrial dispute between the Management of Messrs Merchant Syndicate (Private) Limited, Pulivendla and their workmen, which was received by the Central Government on the 9th December, 1975.

**BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)  
AT HYDERABAD**

**INDUSTRIAL DISPUTE NO. 16 OF 1975  
BETWEEN**

Workmen of Messrs Merchant Syndicate (Private) Limited, Pulivendla.

AND

The Management of Messrs Merchant Syndicate (Private) Limited, Pulivendla.

**PRESENT :**

Shri T. Narasing Rao, M.A., LL.B.

**APPEARANCES :**

Shri A. Lakshmana Rao, Advocate, for Workmen. None present for Management.

**AWARD**

The Government of India in Ministry of Labour through Notification No. 29012/2/75; D. O. 3B dated 9th April, 1975 referred the industrial dispute between the Employers in relation to the Management of Messrs Merchant Syndicate (Private) Limited, Pulivendla and their Workmen under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 (which would hereinafter be called the Act) for adjudication by the Tribunal on the following issue :

“Whether the action of Messrs Merchant Syndicate (Private) Limited, Pulivendla in removing from service Shri T. Sreenivasan, Mine Supervisor, from 21-3-1974

is legal and justified ? If not, to what relief is he entitled ?”

2. The reference was registered as Industrial Dispute No. 16 of 1975 and notices were directed to the Workmen and to the Management. The Workmen filed a claims statement inter alia alleging that he was appointed as Mines Supervisor on a consolidated salary of Rs. 135.00 per month apart from House Rent Allowance of Rs. 20.00 and Servant Allowance of Rs. 15.00 by an office order of the Respondent dated 2-3-1969. From the said date he joined the service of the Company and was discharging his duties sincerely. On 2-4-1974 while he was working at Goddumari Mine in Tadipatri Taluk, Anantapur District he received an order dated 21-3-1974 from the Respondent under which his services were transferred to Pulivendla office. He accordingly reported at Pulivendla on 8-4-1974 and handed over a copy of the joining report, while sending the original report to the Director of the Respondent-Company at Calcutta. It is however alleged that on account of paucity of funds, the workman could not secure a lorry for transporting the material under his custody from Goddumari to Pulivendla. This fact was intimated by him to the Head Office at Calcutta through his letter dated 9-4-1974. It is however alleged that the salaries of the staff at Goddumari for a period of six months prior to the date of the order of his transfer remained unpaid. Even though the workman reported at Pulivendla office, the Clerk at that office informed him that his (the workman) name was not included in the Muster Roll of Pulivendla Office as the workman failed to handover the material that was in his custody at Goddumari, consequent to the order of transfer. It is contended that neither the office at Pulivendla nor the Head Office arranged for the funds to transport the material. Even after the alleged reporting at Pulivendla office the workman continued to discharge his duties. He was engaged in the submission of returns in respect of mining of barytes to the various concerned officials. The Management is said to have not taken any objection to this performance of duties. The Management through letter dated 26-9-1974 directed him to deliver the stores etc., to Sri A. Adinarayan Reddy who was appointed as Agent at Goddumari. In this letter the Management alleged that this workman failed to handover the Company's property and also failed to report duty at Pulivendla office. This allegation is said to have been made with a view to prepare the ground for terminating the services of the workman. It is reiterated that even on 9-4-1974 the workman informed the Head Office the circumstances under which the material could not be transported and also about the fact he reported to duty at Pulivendla Office. It is thus contended that the Management was fully aware of the events that happened subsequent to the transfer order dated 21-3-1974. As the Respondent Company owed by that time a sum of Rs. 1,340.10 towards salary, bonus etc., the Management thought of terminating his services and for that purpose issued the above referred to letter dated 26-9-1974. It is however alleged that on receipt of that letter the workman handed over the material to Shri Adinarayana Reddy and informed the Company accordingly reiterating that he joined the Pulivendla office on 8-4-1974 itself. But by a letter dated 11-10-1974 the services of the workman were terminated with effect from 21-3-1974. This letter is said to contain charges against the workman which are said to be baseless. Even otherwise this letter issued after silence of six months from the date of the transfer order, is said to be a mala fide one. The allegations contained therein are said to be false and baseless. That apart, the termination of the services of the workman without any enquiry is said to be bad. It is contended that the workman has complied the transfer order dated 21-3-1974 and also the instructions contained in the letter dated 26-9-1974 with regard to the handing over the material to Shri Adinarayana Reddy. In view of the compliance the termination order that followed on 11-10-1974 is said to be illegal, improper and unjustified. It is also alleged that since the date of the termination of the services the workman is without employment. He thus prayed for reinstatement, back wages and also for the payment of Rs. 1,384.10 towards the salary etc., preceding the order of termination.

3. A number of adjournments were given to the Respondent Management for filing its counter. Again a notice was also issued to that effect on 20-6-1975. In spite of service of notice on 9-7-1975 by registered post, no counter was filed even by 19-7-1975 to which the case stood posted for filing the counter. As no counter was filed, the case was posted to

30-7-1975 for enquiry. On the said date none for the Management was present though the workman's witness was present. A notice was again directed to the Management intimating that the case stood for enquiry to 18-8-1975. Meanwhile on a petition sent by the Management for permitting it to file a counter, it was permitted to file a counter on condition of payment of Rs. 140.00 to the workman. Accordingly a notice was again issued to the Management for filing a counter subject to the above condition. A counter was sent through post but without complying with the condition. A notice was again directed to the Director by name and also intimating the next date of hearing. Inspite of the service of notice, the condition for receiving the counter was not complied with and the case was taken up for enquiry. The case thereafter underwent three adjournments but on all the dates of hearing the Management remained absent. The *ex parte* enquiry was thus taken up and the claimant-workman examined himself as M.W. 1 and exhibits W1 to W6 were marked. The workman closed his evidence and arguments were heard and the case was reserved on 28-10-1975 for award. Even by this date the Management or its representative has not turned up to have the matter reopened for to permit them to participate in a fresh enquiry. Hence follows this award.

4. The first and foremost points that has to be considered is whether the order of termination of service dated 11-10-1974 is an order of discharge simpliciter or is a termination order by way of punishment. Ex. W5 is the relevant order. It alleges that the workman did not report to duty at Pulivendla office consequent to the order of his transfer dated 21st March, 1974. It also recites that the workman inspite of his assurance expressed in his letter dated 9th April, 1974 to handover the Company's belongings, disposed off the Company's belongings and barytes illegally and misappropriated the proceeds. It also alleges that the workman did not deliver the stores and other belongings of the Company as per the list prepared by him, signed and dated 16th August, 1973, and therefore, he failed to discharge his liability. It is also denied that the workman was on duty at Pulivendla consequent to the order of transfer dated 21-3-1974, and therefore, he violated the office order of transfer. And for these reasons the services of the workman are terminated with effect from 21st March, 1974.

5. Form the allegations of this letter two things emerge, namely, the workman failed to comply with the order of transfer, failed to report at Pulivendla office and failed to hand-over the stores and secondly he without any authority disposed of the Company's belongings and barytes and misappropriated the proceeds. Thus for these two reasons of disobedience and misappropriation the services of the workman are terminated by the Respondent Company. Evidently the two charges levelled against are serious. Though the workman has not filed any Standing orders of the Respondent Company, it can only be said that if the discharge is meant on account of two charges, the discharge could not be a simpliciter one but it was by way of punishment with a stigma attached to the order of discharge. Thus the order on the face of it is one of dismissal and not of discharge simpliciter. Principles of natural justice would only require that an opportunity ought to have been given to the workman before his services could be terminated for the two charges alleged therein. It is not also the case of the Management that the services of the workman are being terminated on account of the loss of confidence. There is not a whisper of it in the said order. As noted above though the Management has filed a counter, that counter could not be looked into in as much as the condition attached for its reception was not complied with by the Management. The Management has also not placed any other material even at the stage of enquiry to explain any further circumstances which could show that the order of termination is one of discharge simpliciter. At any rate the very tenor of the order does not establish that the termination of the services was on account of loss of confidence in the employee. Where an order purporting to be termination of service is passed by an employer, the duty of the Tribunal to examine such order is now well established and even concluded by the judgement of the Supreme Court reported in *L. MICHAEL v. JOHNSON PUMPS LTD.* (AIR 1975 Supreme Court, page 661). It is held therein :

"The Tribunal has the power and indeed, the duty to X-ray the order and discover its true nature, if the object and effect, if the attendant circumstances and

the ulterior purpose be to dismiss the employee because he is an evil to be eliminated. But if the management to cover up the inability to establish by an enquiry, illegitimately but ingeniously passes an innocent-looking order of termination simpliciter, such action is bad and is liable to be set aside. Loss of confidence is no new armour for the Management, otherwise security of tenure ensured by the new industrial jurisprudence and authenticated by a catena of cases of the Supreme Court, can be subverted by this neo-formula."

As noted above, it is not the case of the Management that the services of the workman are being terminated on account of loss of confidence. On the other hand though styling the order as termination of services it alleged a grave misconduct including that of misappropriation against the workman. Principles of natural justice would require that the workman was given an opportunity to meet the charges levelled against him. Termination of services for the allegation of misappropriation certainly carries with it the stigma of punishment and the order can only be that of dismissal. It is however the evidence of the workman that he reported to duty at Pulivendla office consequent to the order of transfer and that as per the practice he also sold barytes and as the salaries of the staff were not paid for six months preceding the transfer order, he caused them to be sold and made payments to the staff members and incurred other expenditure, and that he also accounted from time to time to the Management. If the Management had entertained any doubt as to the accuracy of the accounts or doubted the bona fide of the workman about his reporting to duty at Pulivendla office, the course open to it in conformity with the principles of natural justice was to hold an enquiry. Such a course having not been adopted, the order of termination of services cannot be allowed to stand. On the other hand in the light of the above ruling the action of the Management is to be held as bad and is liable to be set aside. For this reason alone the order of termination of the services of the workman even with effect from 21-3-1974 is set aside. The effect of it is that the workman stands reinstated with effect from 21-3-1974.

6. As regards the back wages or the wages prior to 11-10-1974 the date of the termination order, there is however a little difficulty. In this context the proceedings before the Conciliation officer and the rival claim set up before him is of some assistance, particularly so when the counter filed by the Management could not be looked into for the reasons already mentioned above. Though the Management would dispute in its counter the very date of appointment of the workman, it is not necessary to take that aspect into account unless the question of gratuity having regard to the length of service of the workman is involved. As we are on the question of back wages, the proceedings before the Conciliation Officer has some relevance. Though it is the evidence of the workman here that in addition to the salary of Rs. 135.00 per month he was paid Rs. 20.00 as House Rent Allowance and Rs. 15.00 towards Servant Allowance that was not the claim put forward by him before the Conciliation Officer. Thus the allegation of House Rent Allowance or the Servant Allowance has to be disallowed, for such a claim was never put forward by the workman in the conciliation proceedings. The further evidence of W.W. 1 is that by 26-9-1974 as balance amount of Rs. 1,186.00 on account of the sale proceeds of the barytes belonging to the Company was left with him. But the conciliation proceedings would disclose that admittedly a sum of Rs. 1,249.40 was lying with the claimant. The further evidence of W.W. 1 is that by 26-9-1974 after deducting the balance amount of Rs. 1,186.00 belonging to the Company, he was entitled to a sum of Rs. 1,340.10 towards the arrears of his salary. Taking the admitted amount lying with him as balance as transpires from the conciliation proceedings the workman would be entitled to Rs. 1,277.00. Out of this amount the excess amount of Rs. 35.00 per month now claimed towards House Rent Allowance and the Servant Allowance for a period of six months from 21st March, 1974 to 26th September, 1974 has to be deducted. Thus from the date of termination upto 26th September, 1974 after deducting a further sum of Rs. 210.00 the workman would be entitled to Rs. 1,067.00 and from 26-9-1974 onwards he would be entitled to a sum of Rs. 135.00 per month. The claim anterior to 21-3-1974 is not the subject matter of this dispute and if the parties have any claims for the period prior to that, that question has to be agitated in the proper

orum. Suffice it to say that in the light of the above discussion, the workman is entitled to be reinstated with effect from 21-3-1974 and with back wages of Rs. 1,067.00 from the said date to 26th September, 1974 and at the rate of Rs. 135.00 per month from 27th September, 1974 onwards.

Award passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 5th day of November, 1975.

Industrial Tribunal.

*Appendix of Evidence*

**Witnesses Examined for**

Workmen: W.W. 1 Sri T. Srinivasan

**Witnesses Examined for**

Management : NIL

*Documents Exhibited for Workmen.*

- W. 1 Transfer Order dated 21-3-1974 issued by the Director to Sri T. Srinivasan for Pulivendla Office.
- x. W. 2 Carbon Copy of the Joining Report of Sri T. Srinivasan at Pulivendla Office on 8-4-1974 addressed to the Director, Merchant Syndicate (P) Limited, Calcutta.
- x. W. 3 Carbon Copy of the letter of Sri T. Srinivasan dated 9-4-1974, addressed to the Director, M/s. Merchant Syndicate (P) Limited, Calcutta, stating the circumstances for not bringing the material as per direction.
- x. W. 4 Postal Receipt bearing No. 1589 dated 10-4-1973, addressed to S. K. Agarwala, Calcutta.
- x. W. 5 Termination order dated 11-10-1974 issued by the Director to Sri T. Srinivasan.
- x. W. 6 Copy of the letter of Sri T. Srinivasan dated 18-10-1974 addressed to the Director, Merchant Syndicate (P) Limited, Calcutta, requesting to refrain the order of Termination.

*Documents Exhibited For Management*

—NIL—

T. NARASING RAO,  
Industrial Tribunal.

[No. L 29012(2)/75-D III(B)]

New Delhi, the 22nd December, 1975

O. 42.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government by publishes the following award of the Central Government Industrial Tribunal, Madras, in the industrial dispute between the employers in relation to the management of Star Construction and Transport Company, Sankari West and their men, which was received by the Central Government on 11th December, 1975.

FORE THIRU T. PALANIAPPAN, B.A., B.L., PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, MADRAS

(Constituted by the Central Government)

Saturday, the 29th day of November, 1975

Industrial Dispute No. 47 of 1974

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the management of Star Construction and Transport Company, Sankari West, Salem District.)

**BETWEEN**

The workmen represented by

The Secretaries :—

1. The India Cements Employees Union, Sankari West, P.O. Salem District.
2. Sankagiri Cement Alai Thozhilar Munnetre Sangam, Sankari West, P.O. Salem District.
3. The India Cement & Mining Workers Union, Sankari West, Salem.

**AND**

The General Manager, M/s. Star Construction & Transport Co., Sankari West, P. O. Salem District.

**REFERENCE :**

Order No. L-29011(76)/74-LRIV, dated 17th December, 1974 of the Ministry of Labour, Government of India.

This dispute coming on for final hearing on Wednesday the 19th day of November, 1975, upon pursuing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiruvalargal N. G. R. Prasad and T. Bhaskar Reddy for Row & Reddy, advocates appearing for Union No. 1 and of Thiruvalargal T. Raghavan and T. K. Seshadri, Advocates for the Management and Union Nos. 2 and 3 being absent, and having stood over till this day for consideration, this Tribunal made the following :

**AWARD**

By order No. L-29011(76)/74-LRIV, dated 17th December, 1974 of the Ministry of Labour, Government of India have referred the following dispute between the management of Messrs. Star Construction and Transport Company, Sankari and their workmen for adjudication by this Tribunal.

2. The point for determination is :—

“Quantum of bonus payable to the employees for the year 1973-74.”

3. The Secretary of the India Cement Employees Union has filed a claim statement alleging that M/s. Star Construction and Transport Company are the Mining Contractors to India Cements Limited, Sankari West; that the employees of the respondent company are members of the petitioner-union; that as per settlement dated 21-9-1973 and the subsequent settlement dated 7-4-1969 it was agreed that the workmen employed by the Star Construction and Transport Company would be eligible for the same terms and conditions of employment including basic pay, dearness allowance and other benefits as available to the regular employees of the India Cements Limited that the settlement dated 7-4-1969 was also made a part of the Award of the Industrial Tribunal, Madras in I. D. No. 21 of 1969. The workmen employed by M/s. Star Construction and Transport Company were paid the same bonus that was paid to the employees of the India Cements Limited, Sankari West. The India Cements Limited was paying 20 per cent of their annual earnings as bonus from 1965 onwards, at the time of Deepavali because that was the practice in India Cements Limited. The Respondent Company was paying bonus irrespective of the profit. The respondent was consistently paying their workers 20 per cent as bonus for nearly 7 years (i.e.) till 1972-73. The rate of bonus was also uniform and thus they became a customary mode of payment and an implied term of service. But for the year 1973-74 the respondent company declared only a minimum bonus of 8-1/3 per cent under the Payment of Bonus Act and thus deviated from the past practices. The Union alleges that the deviation without their giving necessary notice as contemplated under Section 9A of the Industrial Disputes Act is not proper. Finally, it is alleged that the workers are entitled to get 20 per cent of their annual earnings as bonus for the year 1973-74.

4. Union No. 2 has filed a claim statement practically raising the same contentions just like Union No. 1.

5. The Management has filed a common counter denying the case of the petitioner union that the workers were getting a uniform bonus of 20 per cent irrespective of the results.

and also that it was a customary payment and an implied term of service. The respondent has also denied the allegation that there was deviation from the past practice. The positive case of the management is that the payment of bonus to the employees of the respondent company was governed by separate settlement entered into between the Unions and the respondent from time to time; that there are settlements relating to the payment of bonus for the year 1964-65 to 1966-67. In the year 1967-68 an industrial dispute raised regarding the payment of bonus to the employees of the respondent and it was the subject matter of adjudication by this Tribunal in I. D. No. 19 of 1969. The claim of Union No. 1 in that case was that they were entitled to bonus at 20 per cent or at the same rate are paid to the employees of M/s. India Cements Limited and it was an implied term of the conditions of service. The Tribunal negatived the contention by the Award dated 30-6-1971. The respondent also contends that the payment of bonus for the subsequent periods (i.e.) 1968-69 onwards was governed by the settlement dated 7-4-1969 which was incorporated in the award of the Tribunal in I. D. No. 21 of 1969. The settlement dated 7-4-1969 was extended by settlement under Section 18(1) on 21-9-1973 between the Union No. 1 and the respondent and others for a further period of five years from 31-10-1973 or up to the date when the appropriate Government specifically prohibits India Cements working the mines at Sankari through contract system. The respondent also contends that in view of the settlement dated 21-9-1973 which is still in force it is not open to the Union No. 1 or Union No. 2 to raise industrial dispute regarding the determination of the quantum of bonus payable by the respondent to its employees. The management also contends that the rate of bonus to its employees for the year 1973-74 is dependent on the bonus to be decided by the Tribunal in I. D. No. 45 of 1975 between the employees of M/s. India Cements Ltd., and M/s. India Cements Ltd. Finally, it is contended that the workmen are entitled to claim bonus as per the provisions of the Payment of Bonus Act and that they are entitled to get only the Minimum bonus of 8-1/3 per cent for the year 1973-74.

## ISSUE 6 :

The question that falls for determination under this issue is, whether the workmen are entitled to claim 20 per cent of their total earnings as customary bonus and also as an implied conditions of service. Mr. N. G. R. Prasad, the learned counsel for Union No. 1 along argued the case and other Unions were absent at the time of arguments. The learned counsel for the Union No. 1 argued that M/s. Star Construction and Transport Company are the Mining Contractors to India Cements Limited: that the workmen employed by the Star Construction and Transport Company were getting bonus as paid to the employees of the India Cements Limited and there are agreements and that the India Cements Limited was paying 20 per cent of their annual earnings as bonus for the number of years irrespective of the profit just before Deepawali and so it has become a customary payment and also an implied conditions of service. In reply to this argument, the learned counsel for the management argued that it is true that the bonus which was paid by the India Cements Limited to its employees was also paid to the workers of the Star Construction and Transport Company, Sankari, but it was not paid as a customary bonus at a uniform rate of 20 per cent or an implied conditions of service and that the payment of bonus to the workers of the Star Construction and Transport Company was only on the basis of settlements and that the allegation that it is a customary bonus or an implied conditions of service put forward by the Union was negatived in I. D. No. 19 of 1969. Ex. M-3 shows that it was a dispute between the employers of the management of (1) M/s. India Cements Ltd., Sankari West and (2) M/s. Star Construction and Transport Company, Sankari West and their workmen. The Industrial Tribunal in I. D. No. 19 of 1969 has negatived the contention of the workers that they are entitled to customary bonus and an implied conditions of service. The Award reads that the workers of the employees of the contractor firm are not entitled to be paid bonus at 20 per cent of consolidated wages, but only at the minimum rate under the Payment of Bonus Act. No materials were placed by Union No. 1 or any other Union that the above Award was set aside by any order of the High Court. In the face of the Award in I. D. No. 19 of 1969, the Union is not entitled to contend that they are entitled to 20 per cent as customary bonus or as an implied conditions of service. The Award

further shows that the workers of the Star Construction and Transport Company were getting bonus only as per the several settlements. Thus Ex. M-3 is a complete answer to the claim of the Unions. Ex. M-1 is the Balance Sheet and Profit and Loss Account for the year ending 30-6-1974. It shows that there was a loss in the year 1973-74. The counsel for the Union fairly conceded the fact that the workers would be entitled to only the minimum bonus in case his contention, namely, that the workers are entitled to the customary bonus are negatived. The documentary evidence Ex. M-3 clearly shows that the workmen are not entitled to 20 per cent of their annual earnings as customary payment of bonus or an implied conditions of service.

7. In the result, an award is passed directing the management to pay only 8-1/3 per cent of the total earnings of the workers as bonus for the year 1973-74. There will be no order as to costs.

Dated, this 29th day of November, 1975.

Sd/-  
T. PALANIAPPAN,  
Industrial Tribunal.

## WITNESSES EXAMINED

For both sides : None.

## DOCUMENTS MARKED

For workers : Nil.

For Management :

Ex. M-1—Balance Sheet and Profit and Loss Accounts for the year ending 30-6-1974.

Ex. M-2—Bonus Working Sheet for the year ending 30-6-1974.

Ex. M-3/30-6-71—Award in I. D. No. 19 of 1969 of the Industrial Tribunal, Madras.

Note :—Parties are directed to take return of their document within six months from the date of the Award.

T. PALANIAPPAN,  
Industrial Tribunal.

[No. L-29011/76/74-L.R.-IV/D. III B]

S. H. S. IYER, Section Officer. (Spl.)

प्रावेश

मई दिल्ली, 25 अक्टूबर, 1975

का० आ० 43—केन्द्रीय सरकार की राय है कि इससे उपाध्यक्ष मन्त्रालयी में विनियिष्ट विधयों के बारे में मैसेसे ई० सी० बोस एण्ड कम्पनी प्रा० लि०, कलकत्ता के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कमेकारों के बीच एक ग्रौषीगिक विवाद विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को स्थानिर्णयन के लिये निर्देशित करना आठनीय समस्ती है ,

मतः पर, ग्रौषीगिक विवाद अधिनियम, 1947(1947 का 14) की धारा 10 की उपधारा (1) के अण्ड (ध) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7क के अधीन गठित केन्द्रीय सरकार ग्रौषीगिक अधिकरण, कलकत्ता को स्थानिर्णयन के लिये निर्विवाद करनी है ।

प्रावेश

क्षा मैसेसे ई० सी० बोस एण्ड कम्पनी प्रा० लि० स्टीवीबोर्स, के नियोजकों की श्री अशोक बैटर्जी, कनिष्ठ लिपिक बुकिंग सं० 624, की 18 अगस्त, 1975 से 4 अक्टूबर, 1975 तक की आठाहू दिनों की मञ्जूरी काटने का अण्ड देने और उसे घेतावनी देने की कार्रवाई स्थायोवित है ? यदि नहीं, तो पहुँचित मन्त्रोत्तर का हक्कदार है ?

[संख्या एस-32012/31/75-सी-4/A]

## ORDER

New Delhi, the 25th October, 1975

**S.O. 43.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs E. C. Bose and Company Private Limited, Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta constituted under Section 7A of the said Act.

## SCHEDULE

Whether the action of the employers in relation to Messrs E. C. Bose and Company Private Limited, Stevedores, in awarding punishment of deduction of wages for 18 days from 18th August, 75 to 4th September, 75 and warning to Shri Ashoke Chatterjee, Junior clerk, Booking No. 624, is justified ? If not, to what relief is he entitled ?

[No. L. 32012/31/75/DIV/A]

New Delhi, the 17th December, 1975

**S.O. 44.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust, Visakhapatnam and their workmen, which was received by the Central Government on the 16th December, 1975.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)  
AT HYDERABAD  
Industrial Dispute No. 2 of 1975

## PRESENT:

Sri T. Narasing Rao, M.A., LL.B., Industrial Tribunal, Central), Hyderabad.

## BETWEEN

Workmen of Visakhapatnam Port Trust, Visakhapatnam,  
AND

1. Management of Visakhapatnam Port Trust, Visakhapatnam.
2. The Chief Mechanical Engineer, (Disciplinary Authority), Visakhapatnam Port Trust, Visakhapatnam (as per the claims statement).

## APPEARANCES :

Sri. A. Lakshmana Rao, Advocate—for the Workmen.

Shri K. Srinivasa Murthy, Advocate and Sri K. Hari-nanda Rao, Advocate—for Management.

## AWARD

The Government of India in Ministry of Labour through Notification No. L. 34012/1/74-P&D/CMT/DIV(A), dated 14-1-1975 referred the industrial dispute between the Employers in relation to the Management of Visakhapatnam Port Trust, Visakhapatnam and their Workmen under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 (which would hereinafter be called as the Act) for adjudication by the Tribunal on the following issue:

"Whether the Visakhapatnam Port Trust are justified in terminating the services of Sarvashri A. Rahaman, M. O. Varghese, V. V. Narasimham and T. V. Subba Rao ? If not, to what relief are these workmen entitled ?"

2. The reference was registered as Industrial Dispute No. 2 of 1975 and notices were directed to the Workmen as well

as the Management. The four claimants, M/s. Rahaman, Varghese, Narasimham and Subba Rao, who would be referred as Claimants 1, 2, 3 and 4 respectively for convenience, filed separate claims statements. The Management filed four separate counters in relation to each of the claimants. A few of the averments in the claims statements of the Claimants No. 1 and 2 are common.

3. Claimant No. 1, a Licentiate in Mechanical Engineering joined Visakhapatnam Port Trust as Attendant Grade I on 18-3-1968 in the scale of Rs. 110—131 which scale was revised later as Rs. 150—253. His probation was declared on 18-3-1970. His performance is said to have been without any blemish till he was issued a charge sheet on 10-3-1971. The Ore Handling Plant in which he joined service in the year 1968, was started in 1965. The second claimant joined Port Trust as Shovel Operator on 24-8-1965. He was confirmed in this post with effect from 1-1-1970. His performance is said to be without and blemish till a charge memo was issued to him on 5-4-1971. There was no association in the Ore Handling Plant till 1970. Claimant No. 1 started an Association of the workmen in the year 1970. He became its General Secretary and an interim charter of demands was submitted to the Management in June, 1970 and the matter was referred to the Assistant Labour Commissioner who sent his failure report in December, 1970. This claimant again became the Secretary of the Association in the year 1971. He again submitted a charter of demands to the Management in March, 1971. This activity of Claimant No. 1 was not to the liking of the Management. However, the claimant organised peaceful agitation by wearing badges and by posters demonstration from 1-1-1971 to 15-1-1971. With a view to suppress this agitation the management suspended the Vice President of the Association and removed one worker from service. Against this victimisation the claimant No. 1 got a walk out staged by workers from duty on 15-1-1971 as a protest. On the assurance given by the then Chairman to cancell suspensions and terminations, the workmen resumed duty on 16-1-1971. The Management is said to have been bent upon victimising the workmen with a view to curb the activities of the Association. After 15-1-1971 the Management removed two workers by name, B. Sambamurthy and A. Satyanarayana and also reverted the President of the Association. While claimant No. 1 was the General Secretary of the Association claimant No. 2 was an Executive Committee Member of the Port and Dock Employees, Association and an active member of the Trade Union.

4. On 7-1-1971 when the workmen were carrying peaceful agitation claimant No. 1 was issued a Memo and he was asked to submit his explanation which he complied on 10-1-1971. After a long lapse of three months this claimant was suspended on 10-3-1971 and a charge memo was served upon him. Three charges were alleged against claimant No. 1 namely on 5-1-1971 he left the work-spot without permission on two occasions, when a charge memo was issued to him on 7-1-1971 with regard to the above absence. He mis-behaved with the Executive Engineer and that was an act of indiscipline. Thirdly, on 27-2-1971 he was found sleeping at 3-30 a.m. during the night shift, and this constituted irresponsible attitude towards the work.

5. As against the claimant No. 2 a charge memo was issued on 5-4-1971 alleging that while the claimant was operating the Shovel on 24-3-1971 he caused damage of 100 feet cable from the coupler. The allegation of claimants 1 and 2 is that the charge memos were issued to them by the Management as a vindictive measure and on account of their Trade Union activities. The enquiries that followed against them are said to be vitiated for more than one reason. As against claimant No. 1 a Board of Enquiry was constituted on 29-3-1971. While the said enquiry was pending another member by name, T. V. Subba Rao was discharged on 1-4-1971. Charge Sheets are said to have been issued to claimant No. 2, and to the Treasurer, Vice President and another Committee Member. The claimant No. 1, in protest against these unfair labour practices of the Management is said to have gone on indefinite hunger strike for 8 days in July 1971. In that context an agreement was also reached between the workmen and the Management whereunder the President who was reverted was restored. Three employees whose services were terminated were reinstated. The very order of suspension of the claimant was also lifted from 25-8-1971. It is, however, alleged that the enquiry against claimant No. 1 was conducted from 7-5-1971. He was given a show cause

Notice on 1-9-1971 as to why the penalty of removal from service should not be imposed upon him. This show cause notice is said to be a mala fide one as it ensued within a week of the revocation of the suspension order of this claimant. The claimant in response to the show cause notice requested the second respondent for assistance of a lawyer but this request was turned down. However, the claimant submitted his explanation to the show cause notice on 30-9-1971. The claimant again asked for permission for being represented by a lawyer on 2-10-1971. But the second respondent (disciplinary authority) without giving any reply passed the order of removal of the petitioner from service through his letter dated 5-10-1971. The claimant-petitioner submitted an appeal to the Chairman on 18-10-1971 and requested for a personal hearing through a lawyer. But the Chairman without giving any reply rejected his appeal and confirmed the penalty imposed on the claimant by the Disciplinary Authority. It is contended that the domestic enquiry proceedings and the removal order are vitiated for various reasons. Contrary to Regulation 10, of Visakhapatnam Port Trust Regulations, (which would hereinafter be referred as Regulations) a number of witnesses not mentioned in the list in support of the various charges are said to have been examined during the domestic enquiry. Under Regulation 10(8) the disciplinary authority is said to have discretion to permit the assistance of a lawyer but by not providing such assistance to the claimant the domestic enquiry is said to be bad. On account of the vindictive attitude of the Management no Co-employee came forward to assist the petitioner in the domestic enquiry. Thus the domestic enquiry is said to be violative of principles of natural justice. The disciplinary authority according to Regulation 11 was to mention the reasons for accepting the findings of the Board of Enquiry. Regulation 23(3) learned to be ultra vires in as much as it given the disciplinary authority to offer its remarks to the Appellate authority behind the back of the Petitioner. Under Regulation 24 the Appellate Authority has to consider whether the findings of the disciplinary authority are warranted by the evidence and whether the punishment imposed, is severe. But the Appellate Authority is said to have failed to act according to the above Regulations. The Enquiry Committee and the disciplinary authority and the Appellate Authority are said to have failed to consider the statement of facts submitted by the claimant. It is also contended that since the claimant is a protected workman, the Respondent contravened Section 33(3) of the Act as no permission of Conciliation Officer was obtained. The Board of Enquiry is said to have violated Regulation 10(15) in examining the witnesses not mentioned in the list before informing the petitioner. The Respondent No. 2 is said to be actuated by vindictive attitude and therefore he mentioned that the petitioner merits the highest punishment of dismissal. It is also contended that a common enquiry for the three different charges offends the principles of natural justice. There was also said to be inordinate delay in framing the charges. It is also contended that the three charges levelled against the petitioner are not at all proved by the evidence tendered before the Board of Enquiry. The details in this regard would be adverted to while dealing with the merits. The claimant thus prayed for the quashing of the order of removal and for his reinstatement with all benefits, wages etc.

6. The claimant No. 2 in his claims statement alleged that he joined the service in Visakhapatnam Port Trust as a Showel Operator on 24-8-1965, and that his appointment was confirmed in the said post with effect from 1-1-1970. It is alleged that he has been performing his duties satisfactorily till the date of the charge memo. The claimant is said to be an Executive Committee Member of Ore Handling Plant Port and Dock Employees Association. The allegation that the Management suspended the General Secretary and other two active members is the same as made by claimant No. 1. Thus it is alleged that the Management removed two active members of the Association and removed three other members from service and that the President of the Association was reverted and that the Vice President and Secretary were suspended. On 5-4-1971 a charge sheet is said to have been issued to this claimant, for causing damage to the supply cable of the West side Showel to an extent of 100 feet during his duty in the first shift at about 8.15 hours. The method of operation is stated in the claims statement. It is also contended that a Khalasi is provided to look after the cable and the process of unwinding and winding of the cable to the drum. With regard to that incident of damage to the supply cable the said Khalasi by name, Ch. Kumar is also said to have been

charge sheeted by the Management. It is contended that it was the function of the Khalasi to give the siren in case of emergency so that the Operator can stop the operation of the Showel. It is also contended that during the enquiry the presenting officer on behalf of the Management is said to have stated that the Khalasi did not take sufficient care while the claimant was operating the Showel. A preliminary enquiry is said to have been conducted into this incident. Later to the charge sheet the claimant has submitted his explanation on 14-4-1971 alleging that he took all precautions for turning the Showel with enough Cable loop and instructed the Khalasi to watch the operation. It is, however, alleged that the second Respondent directed common enquiry against the Petitioner and the Khalasi. After the completion of the enquiry, the Second Respondent gave a show cause notice indicating the proposed punishment of removal from service. The claimant is said to have asked for a personal hearing through a lawyer but this request was turned down by the Second Respondent. However the claimant submitted his explanation but the Second Respondent removed him from service through his letter dated 30-3-1972. The claimant then preferred an appeal to the Chairman on 4-4-1972 seeking permission to plead through a lawyer. But no permission was given to him even to meet the Chairman and thus appeal was rejected and the punishment was confirmed on 8-6-1972. It is contended that the enquiry by the Board of Enquiry was void as it contravened Regulation No. 10(4) inasmuch as no list of witnesses was furnished along with the charge sheet and that many witnesses were produced while the enquiry was in progress. By the failure to permit the assistance of a lawyer the Board of Enquiry is said to have contravened Regulation 10(8) of the Visakhapatnam Port Trust Regulation. The request of the claimant for production of documents relating to similar earlier incidents though first conceded by the Board is said to have been subsequently rejected. Such a procedure is said to have contravened Regulation 13. The disciplinary authority is said to have not mentioned the reasons for accepting the findings of the Board of Enquiry and this is said to be a violation of the Regulation 11 of the said Regulations. As contended by the claimant No. 1 it is again contended by this claimant that Regulation 23(3) is ultra vires as it offends the principles of natural justice. The Appellate Authority is said to have failed to act in accordance with the Regulation 24. The elaborate statement and the grounds of appeal submitted by the claimant is said to have not been considered at all. The conclusions of the Board of Enquiry are said to be not based on the evidence tendered before it. Various contradictions in the evidence are sought to be urged which according to the claimant prove that the findings are not based on the evidence. In short the contention is that the evidence tendered before the Board of Enquiry does not prove the charges at all.

7. The claimant No. 3 alleged that he was appointed as Attendant Grade II by the Respondent on 1-6-1969 in the scale of Rs. 110-131 which was subsequently revised to Rs. 150. He is said to be a qualified Licentiate in Mechanical Engineering and was in the Operation Section of Ore Handling Plant. A charge sheet dated 19-11-1970 is said to have been issued to this claimant alleging that on 15-11-1970 at the end of his first shift on 2.05 p.m. he stopped the conveyor No. 3 without waiting for a reliever and left the work spot inspite of being asked by the Operator to stay till the arrival of a reliever. Thus the stoppage is said to have affected the loading and dumping. This shows the irresponsible attitude of the claimant to his duty and also amounts to disobedience of his superiors. It is however, alleged by the workman in his explanation that he left the work spot only at 2.25 hours after the reliever came but at the close of his shift duty he stopped the convey or at 2.05 p.m. as there were no instructions from the Superiors to continue the duty beyond working hours and he stopped the conveyor to avoid any possible risk after his duty was over. The Management, however, instituted an enquiry. During the enquiry the claimant is said to have asked for the assistance of a lawyer but this was denied. However, permission for the assistance of Shri A. Rahaman was given. The Board after examining the witnesses is said to have arrived at a finding that the charge was proved against the Petitioner. The Chief Mechanical Engineer agreed with the findings of the Enquiry Committee and issued a show cause notice as to the proposed punishment. The Claimant is said to have given his written statement to the said show cause notice. However, the Disciplinary Authority removed the Petitioner from service through a letter dated 26-4-1971.

The claimant then filed an appeal to the Chairman and also asked for permission for the assistance of a lawyer but without considering it the Chairman confirmed the order of Disciplinary Authority. The findings of the Board of Enquiry are said to be not warranted by the evidence. Various grounds are alleged in support of his contention. It is also alleged that there was no adverse remarks during the entire service of the claimant. He thus prayed for quashing the order of removal and for his reinstatement with back wages and attendant benefits.

8. The Claimant No. 4 in his claims statement alleged that he was appointed as Motor Mechanic from 28-1-1970 with the basic pay of Rs. 110.00 which was subsequently revised as Rs. 150.00. He is said to be qualified in I.T.I. and was working in the Loco Section of the Ore Handling Plant. He is said to have been removed from service on 1-4-1971 by the Chief Mechanical Engineer under Regulation 10 of the Visakhapatnam Port Trust Employees Regulations 1964. It is contended that from 28-1-1970 to 1-4-1971 there were no adverse remarks against him and that the confidential report did not contain any such remarks. He was not punished for any short-comings in his duty nor any memo was served during the said period. On 9-8-1973 the claimant requested the Chairman to review the punishment. But the Secretary informed him through a letter dated 19-9-1973 that no review lies under the Regulation. It is contended that Regulation 10 under which action is taken is discriminatory and vests arbitrary powers in the Management. The order of removal from service is said to be violative of principles of natural justice particularly so when on any prior occasion no adverse remarks were made against his performance. He thus sought for his reinstatement with back wages.

9. The Management filed four separate counters in relation to each of the claimants. The counters are referred to in the same sequence of the claimants as referred to above. As regards the claimant No. 1 it is admitted that he was working as Attendant Grade II in Ore Handling Plant, Mechanical Department of the Port Trust. On 10-3-1971 he was served with the charge sheet on three counts. A full-fledged domestic enquiry is said to have been conducted into those charges giving full opportunity to the claimant to defend himself and the said opportunity was availed of by the claimant. The Board of Enquiry found him guilty of the three charges. The disciplinary authority having accepted those findings imposed upon him the penalty of removal from service with effect from 6-10-1971. The claimant then submitted an appeal to the Chairman who after carefully considering the grounds of Appeal and the relevant records, confirmed the order passed by the Disciplinary Authority. As against this order of the Chairman dated 23-12-1971, the claimant preferred Writ Petition to the High Court in W.P. No. 329 of 1972 for quashing the same. But the High Court by its order dated 16-8-1973 dismissed the said Writ Petition. The grounds now raised in the claims statement are said to be the same as were raised in the Writ Petition. It is denied that the claimant's work and conduct has been satisfactory throughout. On the other hand it is asserted that time and again he had to be pulled up for his lapses in discharging his duties. The allegation that the levelling of the charges and the institution of the domestic enquiry or the dismissal of its claimants were motivated or that they were the result of victimisation by the Management is denied. It is denied that the charter of demands presented by the Ore Handling Plant Employees Association has any thing to do with the departmental enquiry conducted against the claimant. It is also denied that the Management did not relish the activities of the said Association. Similarly it is contended that the Management had no intention to put down the peaceful agitation or that it terminated the services of one employee, suspended three other employees including the Vice President of the Association with any ulterior motive. In short it is denied that the action taken by the Management against the workmen was the result of the workmen participating in the agitation from 1-1-1971 to 15-1-1971. It is reiterated that the disciplinary actions taken against some of the employees were for their lapses and they have nothing to do with the activities of the Ore Handling Plant Employees Association. It is also alleged that this claimant was placed under suspension on 10-3-1971 as the charge levelled against him was grave. The reference by the claimant to other cases of Mr. Subba Rao, T. Ramakrishna M.O. Varghese, Ch. Tata Rao, K. Ramulu and Namadeva Rao, is said to be not relevant for the purpose of this case. However, at the initiative of the employees and on the representation of

Visakhapatnam Harbour & Port Workers' Union, the management agreed to revoke the order of suspension passed against the claimant, with effect from 25-8-1971 without prejudice to the continuation of the disciplinary proceedings against him. It is denied that the order of suspension was passed out of prejudice. It is admitted that at the stage of awarding punishment a show cause notice was issued to the claimant to which he submitted an application for the assistance of a lawyer. But according to Regulation 10(1) a discretion is said to vest in the Management and that considering the entire record the assistance of a lawyer is refused to him. Similarly another request made by the claimant on 2-10-1971 for having the assistance of a lawyer was not accepted, as by that date the claimant had submitted his explanation to the show cause notice. It is, however, contended that even during the domestic enquiry the claimant was permitted to have the assistance of a co-worker but he did not avail of it. On the other hand, the claimant himself cross-examined the Management witnesses and himself lead the defence evidence. Even the Appellate Authority did not consider it necessary to permit him to be represented by a lawyer, in the above circumstances. It is thus contended that the claimant was not denied a reasonable opportunity. It is denied that the proceeding of the Board of Enquiry in permitting the witnesses mentioned in the list to be examined at the domestic enquiry are contrary to any of the Regulations. On the other hand it is contended that Regulation 10(15) empowers the Board to examine witnesses not shown in the list. The allegation that there was any violation of the Regulation is thus denied. As regards compliance of Regulation 11(2) relating to the Disciplinary Authority giving reasons for accepting the findings of the domestic enquiry it is contended that the Disciplinary Authority is required to give its reasons only if it dis-agrees with the findings of the Board of Enquiry and not otherwise. Similarly it is denied that Regulation 23(3) offends the principles of natural justice. The Appellate Authority has got to satisfy itself by calling for the remarks of the Disciplinary Authority before disposing the appeal. As such the remarks offered by the Disciplinary Authority on the Appeal preferred by the claimant cannot be said to be a measure taken behind the back of the Appellant. It is also denied that the elaborate grounds of appeal or statements of defence were not considered either by the Board of Enquiry or the Disciplinary Authority or the Appellate Authority. It is denied that the claimant was a protected workman within the meaning of Section 33(3) of the I.D. Act, and consequently it was contended that no permission of the Conciliation Officer was required before he (claimant) could be removed from service. Even the punishment imposed upon the claimant is said to be not vindictive inasmuch as the same punishment indicated in the show cause notice was finally imposed upon him. The contention that a single domestic enquiry for all the three allegations or charges was improper is also controverted. It is contended that all the three misconducts related to one person and in fact charges No. 1 and 2 are related. The holding of the single enquiry with regard to three charges is said to be proper and did not result in any prejudice to the claimant. The Disciplinary Authority is said to have considered all the evidence in the case adduced and the punishment was awarded not on the recommendations of the Plant Superintendent but was based on the evidence on record. It is denied that the Board of Enquiry did not consider all the evidence on record or that it did not consider the defence evidence. The Board of Enquiry on consideration of the said evidence is said to have come to the conclusion that the claimant was absent from duty at the dumper pit between 3.00 p.m. and 3.30 p.m. and again from 3.45 p.m. to 4.20 p.m. on 5-1-1971 and did not arrange for the clearance of the spillages. As regards the third charge the Board is said to have concluded that the defence evidence was created in order to shield the delinquent employee, and is, therefore, unreliable. As regards the third charge the Board is said to have held that there was the evidence of an officer and the senior subordinate in support of the charge that the claimant was found sleeping at 3.30 hours on 27-2-1971 near the telephone. Thus, the findings are said to be based on the evidence adduced at the domestic enquiry. The Management thus urged that no cases had been made out by the claimant for interference by the Tribunal and thus sought the rejection of the reference.

10. In reply to the claims statement of the second claimant it was admitted that this claimant was working as Showel Operator with effect from 24-8-1965. It is alleged that on 5-4-1971 he was served with the charge sheet for causing damage to the supply cable of the West Showel

4-3-1971 during his shift duty resulting in blowing out fuses and that it constituted careless operation of the plant and neglect of duty. A full fledged domestic enquiry is said to have been conducted into the charge giving opportunity to the workmen which he is said to have had of. On the evidence the Board of Enquiry found guilty. The Disciplinary Authority accepted the finding of the Board of Enquiry and imposed the penalty of removal on the claimant with effect from 1-4-1972. The claimant then preferred an appeal to the Chairman and on perusal of records the order of Disciplinary Authority was confirmed. That order of the Chairman was challenged by the claimant by filing a Writ Petition No. 4740/71 on the file of the High Court of Andhra Pradesh but the High Court dismissed the Writ Petition withdrawn. It is denied by the Management that the charges levelled against the claimant and the domestic enquiry instituted or the punishment imposed upon him were due to any vindictive attitude of the Management or that had any thing to do with the activities of the claimant as an Executive Committee Member of Ore Handling Employee Association. The details of the operations given by the claimant are said to be not correct. It is alleged that even a spot enquiry conducted revealed prima facie that the claimant and the Khalasi Sri Kumar were responsible for the damage to the supply cable of the West Plant. As such charge sheets were issued to both of them. The finding of the domestic enquiry is that the Khalasi Kumar was not guilty. The allegation that this claimant was not given permission to have the assistance of a lawyer denied and it is contended that under Regulation 10(8) a claimant was not entitled to have a lawyer in the domestic enquiry as a matter of right and therefore that request was rejected. It is admitted that the claimant made a request to the Chairman for engaging a counsel at the appellate stage but since the appeal has already been filed and it was not even necessary, the appellants refused the assistance of a lawyer at this stage was similarly rejected. It is however reiterated that witnesses not mentioned in the list furnished along with charge sheet could be examined by the Board and that all reasonable opportunity to cross examine those witnesses was afforded to the claimant. It is also alleged that this claimant was denied and had the assistance of a co-worker, i.e. the first named claimant. With regard to the scope of Regulation 10(8) and the nature of Regulation 23(3) the Management stated its stand as taken by it in the case of Claimant No. 3. It is asserted that the Board of Enquiry has taken consideration all the evidence as a whole and arrived at a finding as to the guilt of the claimant. The contention of the claimant that the evidence before the enquiry did not make out a case by picking a few stray sentences here and there is thus controverted. It is reiterated that the claimant was given all reasonable opportunity to defend himself in the enquiry and that he also fully participated in cross examining the Management's witnesses and his own evidence and, therefore, the enquiry was in conformity with the principles of natural justice. It is also denied that there was any victimisation against the Petitioner. The rejection of the reference with regard to this claimant was sought.

In reply to the claims statement of the Claimant No. 3 as alleged by the Management that from 1-6-1969 this claimant was working as Attendant Grade II on probation period of two years and continued to be probationer till date of his removal from service. It is admitted that on 15-12-1970 a charge sheet was given to him for operating the conveyor No. 3 on 15-11-1970 at 2.05 p.m. in the absence of a reliever etc. In this case the Management is said to have conducted domestic enquiry in which the claimant participated fully. On the evidence the Board of Enquiry is said to have found him guilty. The Disciplinary Authority accepted the findings of the Board of Enquiry and imposed a penalty of removal from service on the claimant with effect from 26-4-1971. The claimant also submitted an appeal to the Chairman who on consideration of the entire case confirmed the order passed by the Disciplinary Authority. The claimant is said to have preferred a Writ Petition No. 4740/71 on the file of the High Court of Andhra Pradesh for quashing the said order. The High Court order dated 16-3-1973 is said to have held that there was no procedure adopted by the Disciplinary Authority at that time nothing on record to show that the petition was denied reasonable opportunity to defend himself. The present claim is said to have been raised on similar grounds as were raised in the Writ Petition. It is alleged

that the operation of the Ore Handling Plant is a continuous process and therefore instructions were given to the workmen not to leave the worksite soon after the shift time is over and until relieved by the reliever. It is reiterated that on 15-11-70 at 2.05 p.m. this claimant stopped the conveyor belt for want of reliever and left the worksite without being relieved inspite of instructions given by Sri T. Appa Rao, Operator the immediate superior, to wait for some more time. The stoppage of the conveyor belt by the Petitioner is said to have resulted in heavy loss and damage and has affected both loading and unloading operations. This act of the claimant is said to be an irresponsible attitude towards the work and duty and amounted to disobedience of his superiors. The explanation given by the claimant was said to be unsatisfactory. In the domestic enquiry the claimant is said to have been assisted by a co-employee i.e. the first named claimant herein. The findings of the Board of Enquiry are said to be based on evidence. The Disciplinary Authority while accepting that finding issued a show cause notice to the petitioner to which he submitted an explanation. It is denied that the claimant ever requested for the assistance of a Lawyer to defend him in the enquiry. This allegation that such a request was refused during the enquiry is said to be an after thought. Similarly it is denied that the claimant requested the Chairman for the assistance of a lawyer. In the Appeal petition or at any time subsequently, it is alleged, that the claimant did not make any such request. It is asserted that the Board of Enquiry, the Disciplinary Authority and the Appellate Authority carefully considered the material on record in reaching their conclusions. It is also averred that the evidence as a whole was considered by the Board of Enquiry, and it is not open to the claimant to pick up a few sentences here and there in support of his innocence. It is reiterated that there was no violation of Regulation 11(2) of the Regulations by the Disciplinary Authority. It is also alleged that the provisions of Regulation 10(15) have been complied with. In short it is contended that the domestic enquiry was fair and reasonable and full opportunity was provided to the claimant to defend himself.

12. In reply to the claims statement of the fourth claimant, it is alleged by the Management that this claimant was appointed as Motor Mechanic in the Ore Handling Plant with effect from 28-1-1970 on probation for a period of two years. During the probationary period his performance was said to be not satisfactory. He was charge sheeted twice for the lapses and was awarded punishments of censure on 22-2-1971 and 2-3-1971 and the said punishments of censure were confirmed by the Chairman as an Appellate Authority but inspite of the said punishment the claimant did not show any improvement and, therefore, his probation was terminated and he was discharged from service by the Appellate Authority (Chief Mechanical Engineer, of the Port Trust) with effect from 1-4-1971 under Regulation 10 of the Visakhapatnam Port Trust Employees (Recruitment, Seniority and Promotion) Regulations 1964. It is contended that the claimant was discharged from service as per the said Regulation 10, and that it was not a case of termination or dismissal for misconduct. There is said to be no element of punitive action in the order. It is also contended that there was no obligation upon the Management to make enquiry and that there was no violation of principles of natural justice in passing the discharge order. It is denied that the claimant was not punished at any time or that no Memoranda were given to him preceding the order of discharge. It is however, admitted that with regard to the lapses when the claimant was given a censure, he preferred an application before the Chairman to review the order passed by the Appointing Authority but the said petition was dismissed as there was no provision for review. It is contended that the claimant cannot question the validity of Regulation 10 on the ground that it is discriminatory. It is reiterated that on the prior occasion the claimant was informed of his lapses and that the two censure orders were also communicated to him. It is, however, alleged that the case of this claimant along with others was taken up by the Visakhapatnam Harbour and Port Workers Union and in that context there was a Settlement under Section 18 of the I.D. Act, on 23-8-1971. Under the Settlement the Union is said to have agreed to drop the issue relating to the reinstatement of this claimant. The said Settlement is binding and therefore neither the Association is entitled to reopen the matter nor raise the issue relating to his reinstatement as an industrial dispute. Since this issue is covered by the Settlement, the reference in so far it related to this claimant is said to be not competent. The rejection

of the reference in relation to this claimant was thus sought.

13. The workmen in support of their claims examined two witnesses in oral evidence and relied upon Exs. W1 to W59. W.W.1 is the first claimant and W.W.2 is the fourth claimant herein. In rebuttal the Management examined four witnesses (M.W.1 to M.W.4) and relied upon Exs. M1 to M11 by way of documentary evidence. W.W.1 is also the General Secretary of the Ore Handling Plant Employees Association. M.W.1 is the Chief Mechanical Engineer who passed the dismissal orders with regard to the first three claimants and also the termination order relating to the fourth claimant. M.W.2 is the Assistant Executive Engineer who is said to have made his report regarding claimant No. M.W.3 is one of the two Members of the Board of Enquiry common in all the three enquiries held against claimant Nos. 1 to 3. M.W.4 is the Under Secretary to the Ministry of Shipping and Transport who is said to be present at the meeting held by the Union Minister of Labour for considering the cases of these four claimants either with regard to the punishment or otherwise.

14. The contentions on behalf of the workmen are as follows:—The espousal of the cause of the four workmen by the Ore Handling Plant Employees Association is proper. Alternatively it was contended that each dispute is by itself an industrial dispute as it relates to the dismissal or discharge of an individual workman and even in the absence of any espousal by a Union or a group of workmen, the dispute is cognizable by Industrial Tribunal. The action against all the workmen was by way of victimisation by the Management and therefore the action is mala fide, even though with regard to the first three claimants a show of domestic enquiry was made. Even the domestic enquiry held against claimant Nos. 1 to 3 is said to be unfair in as much as no sufficient opportunity was given to the workmen, in the sense that they were not permitted the assistance of a counsel during the enquiry. The evidence at the domestic enquiry is said not to establish the charges. Even otherwise the punishment imposed on claimant Nos. 1 to 3 is said to be disproportionate to the alleged misconducts and that itself establishes mala fides of the Management. At any rate it was contended that under Section 11(A) of the I.D. Act the Tribunal is competent to award any lesser punishment, even if it is held that the findings at the domestic enquiry are sustainable. With regard to the fourth claimant it was contended that the termination on the ground of unsatisfactory work is unsustainable even though he is a probationer. Termination of his services even before the probationary period has expired, without any enquiry for any alleged misconduct, it is contended, is bad in law. It was on the other hand contended by the Management that there was no espousal of the cause of the four claimants by substantial number of workmen, therefore, there is no industrial dispute. The Settlement Ex. W6 bars the claim of claimants 3 and 4 in as much as under the said Settlement the case of claimants 3 and 4 was dropped and the same dispute cannot be raised at all. The reference in so far it relates to claimants 3 and 4 is thus said to be bad as there was no dispute at the time of the reference. The domestic enquiry conducted as against claimants 1 to 3 is said to be fair and reasonable and in conformity with the Regulations and that the findings are based on sufficient evidence. It is also contended that there was no victimisation whatsoever particularly in the light of the Settlement Ex. W6 whereunder some workmen were agreed to be taken back and even the President of the Ore Handling Plant Mr. Haq was restored to his previous post. The termination of the services of Claimant No. 4 is said to be in conformity with Regulation 10 of the Visakhapatnam Port Trust Regulations made under the provisions of Major Port Trust Act. The above contentions will be considered in almost in the same sequence.

15. According to M.W.1 there are in all 3,200 workmen in his department containing 12 sections, and Ore Handling Plant is one of those sections. There are said to be three Unions of the workmen, namely, Visakhapatnam Harbour and Port Workers Union, Visakhapatnam Port Employees Union and National Port Trust Employees Union. In the Ore Handling Plant there are said to be 600 workmen. According to him the above three recognised Unions only represent all the workmen in the 12 sections. Thus according to M.W.1 Ore Handling Plant Employees Association is not a recognised Union. W.W.1 would depose that as the conditions of the workmen of the Ore Handling Plant were different, a Union of these workmen was formed in January 1970 which was

registered in the month of May 1970. Mr. Haq is the President of that Association and himself is the Secretary. Though the contention of the Management is that the espousal of the cause of the four workmen is not by substantial number of workmen, it is the evidence of W.W.1 that out of 600 workmen in this Plant 350 are the members of this registered Association. It can however be noted that the Management did not seriously press this argument of the espousal of the cause of the four workmen by substantial majority of the workmen. At any rate since discharge and dismissal of each of the workmen is in question, such a discharge or dismissal is by itself an industrial dispute as per Section 2(A) of the I.D. Act. The contention of the Management is that as regards the claimants No. 3 and 4 there cannot be said to be any dispute at all in view of the Settlement Ex. W6 and therefore, there was no dispute with regard to them which is cognizable by the Industrial Tribunal. I would advert to the Settlement in detail in another context. It is briefly referred here for the limited purpose of finding out whether the claimant No. 3 and 4 are estopped from raising any dispute with regard to their dismissal and discharge. Ex. W6 is a Settlement dated 23-8-1971 entered into by the Management on the one hand and by Mr. M. V. Bhadram, President, Visakhapatnam Harbour and Port Workers Union on the other. That Settlement is attested by W.W.1 as a witness. The Union representatives agreed to drop the issue relating to the reinstatement of T.V. Subba Rao (Claimant No. 4 herein) and the reinstatement of V. V. Narasimham (claimant No. 3 herein). Thus according to the Management since the demand in relation to them has been dropped no industrial dispute survives which could be the subject matter of reference and consequently the Tribunal has no jurisdiction to adjudicate upon that dispute. It was on the other hand contended by the learned counsel for the workmen that in the first instance that agreement on behalf of the workmen was entered into by the Visakhapatnam Harbour and Port Workers Union of which claimants No. 3 and 4 were not members. It is contended that though it might be an overall Settlement the concessions made by the Union therein are certainly to the prejudice of these two workmen therefore that Settlement is not binding. The other contention with regard to the validity of this Settlement urged was that it is nowhere in the evidence that this Settlement was forwarded to the Labour Officer jointly as laid down by Rule No. 58 of the Central Rules made under the Industrial Disputes Act. It was on the other hand contended that Rule 58 of the Central Rules or the corresponding Rules 60 of the A. P. Industrial Dispute Rules is only directory and not obligatory and that since the Settlement has been acted upon for the last four years, the dropping of the issue relating to claimants No. 3 and 4 is final one and cannot be reopened. The evidence of W.W.1 is that the cases of claimants No. 3 and 4 were dropped "for the present" and it does not preclude claimants No. 3 and 4 from raising the issue again. There is no gain saying of the fact that there is nothing in the evidence of the Management that a copy of this Settlement was sent to the Government or Commissioner of Labour. Rule 60 of the A.P. Industrial Disputes Rules lays down that a Settlement arrived at in the course of conciliation proceedings or otherwise shall be in Form H. Rule 60(4) lays down that where a Settlement is arrived at between an employer and its workmen otherwise than in the course of Conciliation proceedings before a Board or Conciliation Officer, the parties to the Settlement should jointly send a copy thereof to the Government, the Commissioner of Labour and to the Conciliation Officer concerned. As to the obligatory nature of this rule the learned counsel for the workmen has relied upon a ruling of the Supreme Court reported in 1972 (f) LLJ, page 99. That was a case of Settlement arrived at in the course of conciliation proceedings where the workman was represented by another Union but at the time of the adjudication he was represented by the other. Regardless of this fact it was held:

"that such a Settlement could be binding on the workmen only if the statutory provision of the Industrial Disputes Act and the statutory rules prescribed thereunder are complied with. The provisions of the Rule 58(4) admittedly not been complied with, held, that the Settlement was invalid and not binding on the concerned workmen."

In the light of this ruling, it can only be held that the compliance of Rule 60 (the corresponding A.P.I.D. Rules to that of Rule 58 (4) of the Central Rules) is mandatory. As noted above no evidence is let in by the Management to show that this mandatory provision has been complied with.

For the reason of non-compliance of the Rules along it can be said that the said Settlement is not binding on the two workmen. It was equally noted above that there is no evidence on behalf of the Management to show that these two claimants were members of the Visakhapatnam Harbour and Port Workers Union which entered into an over all Settlement with the Management. Except the ipse dixit of M.W.1 that al the 3,200 workmen in the 12 sections are represented by the three recognised Unions, there is no positive evidence to show that these claimants 3 and 4 were members of this particular Union namely, Visakhapatnam Harbour and Port workers Union. In the absence of such evidence it cannot be precisely said that the Visakhapatnam Harbour and Port Workers Union could enter into a Settlement with regard to these two workmen. It was however the contention of the learned counsel for the Management that Mr. Rahman the General Secretary of the Ore Handling Plant Employees Association who claims to represent the workmen in this Plant was an attestor and therefore he is espoused from championing the cause of claimants No. 3 and 4. It is equally possible, as is contended by the learned counsel for the Management that the Ore Handling Plant not being a recognised Union sought its grievances represented to the Management through the Visakhapatnam Harbour and Port Workers Union and in that manner the above Settlement has come into existence. Even assuming that this contention is true since there is nothing positive to show that these two claimants are also members of Visakhapatnam Harbour and Port Workers Union and since the very validity of the settlement is at stake, it cannot be held that the two claimants are precluded, from raising their individual disputes. The same position follows even if it is held that the principles of estoppel by attestation can be successfully invoked against Mr. Rahman, the General Secretary of the Ore Handling Plant Employees Association. Evidently no workman can be said to acquire in a Settlement which cuts at his very throat, though the Union or the Management may enter into an overall Settlement. In that way the settlement is certainly unfair to both these workmen. Regardless of the individual harm, the very legality of the Settlement inspite of the fact that it might have been acted upon for a period of four years would certainly come to the aid of these two workmen to show that there was no valid settlement in so far it relates to them. In this view of the matter as the Settlement cannot be said to be a valid one, irrespective of the question of estoppel by attestation against the General Secretary and irrespective of the fact that the dropping of the issues for the time being may not be convincing, the two workmen cannot be held precluded from raising their individual disputes. Thus though the issue relating to the reinstatement of these two workmen was dropped under the Settlement that Settlement being not valid it can be safely held that these two workmen are not precluded from raising the dispute.

16. It transpires and it is also the admission of both the parties that as against claimants 1 to 3 there was a domestic enquiry for certain alleged misconducts. Their dismissal order are passed by M.W. 1 after agreeing with the findings of the domestic enquiry. The case of claimant No. 4 stands on a different footing. Admittedly there was no enquiry whatsoever with regard to him. The case of the workmen is that all these four workmen were dismissed or discharged on account of their trade union activities. If I may say so, the background relating to the trade union activities of this Ore Handling Plant Employees Association is an admitted one. But the Management would put it that it was not actuated by motives or victimisation particularly so in the light of the Settlement Ex. W6. In order to examine this background it is necessary to state a few facts relating to the activities of this Association and its demand on the Management. It is the evidence of W.W.1 that in June 1970 after the formation of this Association they served a charter of demands on the Management, relating to payment of Dust allowance, grant of 12 Casual leaves, supply of helmets, goggles, Boiler dresses etc. We are not on the question whether the demands are genuine or not. It is, however, the evidence of W.W. 1 that as the Management refused to accede to these demands the matter was referred for conciliation but conciliation ended in failure. In December, 1970 the Association gave a notice to the Management intimating that they would go on agitation from 1st January 1971, i.e. badge protest from 1st to 7th January and Poster demonstration from 8th to 15th January 1971 and thereafter on relay hunger strike indefinitely from 16th Jan. 1971 onwards. That the workmen went on these two types of agitations is also admitted by M.W.1. M.W.1 would also admit about the conciliation that preceded the notice of agitation. It is the further evidence of W.W.1 that on 5-1-1971

(during the first phase of Badge protest) the Vice President of this Union, L. Prabhakar was suspended, another active member of the Association Venkat Rao was also suspended. On 9-1-1971, the claimant No. 3 herein, another active member of the Association was suspended. On 7-1-1971 G. Subba Rao (other than claimant No. 4) was removed from service. This is also admitted by M.W. 1. Admittedly on 15-1-1971 all the 600 workmen in this Plant staged a walk out. The fact that the workmen staged a walk out on that day is admitted by M.W.1. But he is at a loss to say that was in connection with the alleged victimisation of the workmen. According to W.W.1, the then Chairman of the Port Trust assured them on the evening of 15th January, 1971 that punishments would be withdrawn and that for the strike on 15th January 1971 only minor punishments like warning would be imposed. M.W.1 is not in a position to throw any light regarding the details of this conversation of the Chairman with the workmen. But it is common case that on 16-1-1971 all the workmen returned to duty. Though the workmen would put it that on 16-1-1971 two workmen by name, Samba Murthy and Satyanarayana were not permitted to duty, the evidence of M.W.1 is that they were not allowed to resume duty as the two leave vacancies in which they were working have come to an end.

17. As against this back ground a Memo was served on 7-1-1971 against the first claimant alleging that on 5-1-1971 he left the workspot on two times. A charge sheet was issued to him only on 10-3-1971, including the first charge as well as the charge that on 7-1-1971 he behaved in an indisciplined manner with the Executive Engineer, after he (Claimant No. 1) was served with the memo relating to the incident of 5th January 1971. That charge sheet also included another charge to the effect that the claimant was found sleeping during his night shift on 27-2-1971. A charge memo was given to the second claimant on 5-4-1971 that on 24-3-1971 in the first shift while operating the shovel he caused damage to the cable to the extent of 30 feet. On 19-11-1970 charge sheet was served upon the third claimant alleging that on 15-10-1970 at about 2.05 p.m. he stopped the conveyor No. 3 without waiting for the reliever. While the agitation was going on, this claimant was suspended on 5-1-1971. It is also the evidence of W.W.1 and that of M.W.1 that the first shift workers who struck work on 15-1-1971 were given censure and that the second shift and third shift workmen were punished by way of stoppage of three increments, in the first instance. In February 1971 Mr. Haq the President of this Association was reverted from the post of Operator to that of Attendant Grade I. In the light of these circumstances it was contended by the workmen that the action instituted and the punishments imposed on the three workmen and even the termination of the fourth claimant were by way of victimisation. As against this it was contended by the Management that under the Settlement Ex. W 6 the Management agreed to reinstate one G. Subba Rao by extending his probation for one year and to restore Mr. Haq to the post of Operator, to withdraw the order of suspension against the first claimant but with the right to continue disciplinary proceedings against him. The Management also agreed to take back Satyanarayana and Samba Murthy on the panel for considering them for future vacancies. It was thus contended there was a gesture of goodwill on the part of the Management and that no victimisation was intended as against these four claimants. The fact however remains that the employees in the Ore Handling Plant were going on protest from 1st January to 15th January 1971. In the case of one or two workmen the Management has certainly shown some goodwill either by restoring them to their previous positions or promising to take them on panel for future employment. It is equally true that office bearers of any Association have no licence to commit misconduct and say that the action taken by the Management against them is by way of victimisation. Similarly a finding of victimisation cannot lightly be reached where the workmen concerned are office bearers of the Union. The Management would place reliance upon a ruling of the Supreme Court reported in 1959 (I) LLJ, page 450 where in it is held :

"Further from the mere fact that the concerned workman were office bearers of the Union it need not be inferred that the company was actuated by any improper motive to victimise them."

Assuming for a moment that in view of the Settlement granting concessions to some workmen the Management cannot totally be said to be taken an attitude of victimisation against these four workmen, the back ground itself is not the only factor in reaching the conclusion of victimisation.

The reasonableness of the findings in the domestic enquiry and the quantum of punishment imposed are equally relevant factors in considering whether the dismissal of claimants No 1 to 3 was by way of victimisation. In this view it is the nature of evidence and in finding that are reached in the domestic enquiry and the quantum of punishment imposed on the workmen that have to be considered mainly.

18. Adverting to the three domestic enquiries, it can be noted at the outset that is not the case of the management that the Board of Enquiry shut out any of their evidence sought to be let in by the three workmen. Though an attempt was made by Mr. Laxman Rao, the learned counsel for the workmen to show that in the absence of any Standing Orders the Regulations made by the Port Trust do not have the force of law and at best they are contractual rights and obligations, this contention was given up, and rightly too in the light of a judgment of Andhra Pradesh High Court rendered in another context as to the statutory force of the Regulations. The judgment of Andhra Pradesh High Court is reported in Andhra Pradesh High Court notes 1975 page 295. This contention was however pointedly advanced in the context of the claim of the claimant No. 4. It is however opposite in this context to note the observations of the above ruling. "The consequence is that the employees of the Visakhapatnam Port Trust are employees of a statutory bodies, have statutory status and they are entitled to declaration of being in employment, if their dismissal or removal is in contravention of statutory provisions, which, it is obvious, include not only the actual provisions of the Act but also the Regulations made thereunder. They are entitled to raise the question of discrimination under Articles 14 and 16 of the Constitution". Thus it is settled that the Regulations made by the Visakhapatnam Port Trust have statutory force. It is now to be seen whether at any stage of the enquiry against the claimants there was violation of these Regulations. Though in the claim petitions a number of violations are alleged, the arguments are confined only to a few Regulations as noted below.

19. It was contended that the three claimants were not given the assistance of a counsel during the enquiry. This is so deposed by W.W.1. It was contended that for want of assistance of a counsel they were deprived of the opportunity of defending themselves effectively. The relevant Regulation is 10(8) which reads as follows :—

"The employee may take the assistance of any other employee to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or the disciplinary authority having regard to the circumstances of the case, so permits."

It was the contention of the Management that the claimant No. 1 herein (the General Secretary), was also permitted to have the assistance of another co-worker but he himself conducted the proceedings. With regard to claimants No. 2 and 3, claimant No. 1 conducted the proceedings on their behalf. Thus they had an assistance of a co-worker. It is not shown that the Presenting Officer on behalf of the Management in all the three enquires was a legal practitioner. On the other hand it can be seen from the domestic enquiry proceedings that the Presenting Officers on behalf of the Management were the Assistant Executive Engineer or the Executive Engineer in the case of the third claimant. In the light of the above Regulation it also does not appear that a delinquent workman can have the assistance of a counsel as of right. The discretion is given to the Management having regard to the circumstances of the case to permit a workman the assistance of a legal practitioner. No circumstances are placed by the workman to show that the discretion given to the Management was wrongfully exercised in these cases. I am not convinced that there is any material to show that by not providing the assistance of a legal practitioner there has been a violation of this Regulation and much less a prejudice to the workmen. The other violation alleged is that with regard to the charge No. 2 as against the claimant No. 1 and with regard to the claimant No. 2 the list of witnesses to be examined was not furnished along with the charge sheet and therefore they were prejudiced in their defence. Regulation 10(3)(i)(b) lays down that where it is proposed to hold an enquiry the list of documents and list of witnesses are to be drawn up by the Disciplinary Authority and cause to be delivered to the employee. It is borne out by the domestic enquiry that the names of the witnesses with

regard to charge 2 as against the claimant No. 1 and with regard to the charge against claimant No. 2 were disclosed by the Presenting Officer and those witnesses were examined after giving sufficient time to the workmen to cross examine them. Though there is apparent breach or violation of this Regulation in the sense that the list of witnesses was not enclosed to the charge sheet, it can be said that the workmen were not prejudiced as those witnesses were examined after five days of disclosure of their names. As regards the enquiry relating to claimant No. 2 Varghese, there is however a circumstance which can be said to have caused prejudice to him. It can be recalled that the charge against him is that while he was operating the shovel, he caused damage to the cable to a length of 30 feet by operating it negligently. In order to prove that, such cases were treated as accidents on former occasions he wanted the past records to be summoned which the Board in the first instance allowed but surprisingly enough by subsequent order

the Board cancelled its previous order for summoning those documents. To my mind when once the request of the workman was conceded in all fairness and the previous records were ordered to be summoned, the refusal ultimately can only be said to have stemmed out of oblique motive. Having ordered the production of the previous records relating to such incidents it was not for the Board to refuse that request even on a hypothetical ground that those records have no direct bearing on the enquiry. The workman was certainly entitled to show that under similar circumstances on earlier occasion the damage was ascribed to an accident and that no inference of negligence on his part was permissible or reasonable. On this aspect alone I am inclined to hold that the Board of Enquiry deprived the claimant No. 2 of a reasonable opportunity to defend himself. From this it follows that the domestic enquiry as against claimant No. 2 was not fair and the consequent order of dismissal based on that finding cannot be sustained. I would advert to the merit of this case at a later stage.

20. In the instant case the Management has not chosen to lead evidence afresh before the Tribunal in support of the charges leading to the dismissal of the three workmen. While confining itself to the domestic enquiry it examined M.W. 1 the authority who passed the dismissal orders on the basis of the finding of Board of Enquiry. Incidentally, his evidence throws light here and there as to the state of affairs or the circumstances in which the claimants No. 1 to 3 are said to be guilty of one misconduct or the other. The same would be referred to in the proper context.

21. Three charges are levelled against the first claimant A. Rahman Charge No. 1 is that he left the workspot from 3.30 p.m. on 5-1-1971 and against from 3.40 to 4.20 p.m. The second charge is that on 7-1-1971 even a charge memo was issued to the workman relating to his absence on 5-1-1971 he went to the Executive Engineer Mr. Vardhamane and shouted at him and behaved in an aggressive and indisciplined manner. The third charge is that on 27-2-1971 he was found sleeping at 3.30 hours near the Telephone. With regard to charge No. 1, two witnesses were examined and with regard to Charge No. 2 three witnesses were examined and three witnesses were examined with regard to Charge No. 3 by the Management. The case of the workman was that on 5-1-1971 he left the workspot from 3.00 to 3.30 p.m. to answer calls of nature and that he left the workspot after having informed the other Attendant. As regards the second item of leaving the place between 3.40 to 4.20 p.m. he would put it that when the Foreman came to the tunnel he was present. He however admitted that he was returning from the site office at about 4.10 p.m. From this, the Board concluded that he was not present at the workshop between 3.40 p.m. and 4.20 p.m. The workman also examined as many as seven witnesses. The duty hours of this workman on that day were from 2.00 p.m. to 8.00 p.m. It was his case that conveyor belt was stopped as there was much spillage and that no work was going on. He, therefore, instructed the Khalasi to remove the fines at the tail end where the workman was supposed to be present. He would thus suggest that as the conveyor was not acutally working at that time the work was not at all affected. His further evidence was that four to five hours were required for clearance of the spillage. What M.W.1 has to depose in this context is equally relevant. It is admitted that there was no operation going on from 2.10 p.m. onwards upto 3.25 p.m. Even in the domestic enquiry it is not the evidence of Witnesses No. 1 and 2 therein

that at the two relevant periods the conveyor belt was operating and that on account of the absence of this workman the work suffered. All, that Mr. Srinivasamurthy, the learned counsel for the Management, would contend is that the probable loss of work that must be considered but not the actual loss suffered. It is however, the evidence of M.W.1 that an Attendant can leave the workspot for any length of time either for calls of nature or otherwise after informing the other attendant near the workspot. The case of the workman is that he did inform the other Attendant Operator and left the spot. The other Attendant namely, Mr. Hanumanth Rao could not be examined by the claimant during the domestic enquiry as the said Hanumanth Rao was on long leave for 45 days. It was contended by the learned counsel for the workman that sufficient time ought to have been allowed to the workman to examine that Hanumanth Rao after his return from leave. It was on the other hand contended that no extension of time was sought for producing that witness. It is true that the workman did admit that he left the workspot between 3.00 p.m. to 3.30 p.m. and leaving the spot for purpose of answering for calls of nature being permissible, and particularly so when the belt was not in operation, the absence of the workman should not have been reasonably treated as a misconduct, particularly so when there was no loss on account of his absence. It is relevant to note that the Management would treat this absence as a serious misconduct and for which they have issued Memo as admitted by M.W.1. It certainly emerges that inspite of the issue of a Memo, till 10-3-1971 the Management did not think of issuing a charge sheet even on this count and inspite of the fact that the misconduct was considered to be a serious one. The Management could put it that the delay in issuing the charge sheet is in no way fatal nor does it disclose any animus on the part of the Management to victimise the workman. Though M.W. would put it that some enquiry by way of spade work was necessary before issuing the charge sheet, the inordinate delay in issuing the charge sheet does not appear to be warranted. It can be recalled that even after 15th January 1971, the reversion of the President took place, yet inspite of such a misconduct on the part of this workman, the Management did not choose to issue a charge sheet even though the explanation was admitted immediately thereafter. The contention of the learned counsel for the workman that the silence for a period of three months or so shows that the misconduct was not treated so serious, appears to me convincing. After long silence of three months for which there is no explanation, if the charge sheet has come to be issued it certainly points to some anterior motives. It is equally relevant to note that even the Settlement Ex.W. 6 came into existence only when claimant has resorted to hunger strike for 10 days from 22-7-1971. The second charge is that of indiscipline, use of abusive language or shouting against the Executive Engineer. Infact this is a serious charge relating to discipline in a complex. It is the evidence of M.W.1 that every serious charge is proceeded by a memo. But curiously enough with regard to this alleged incident of shouting there was no charge memo whatsoever. The defence evidence is that there was not unruly behaviour or protest in any hotly language by the workman and no insult or threat was held against the Executive Engineer, Mr. Vardhamane. It can be said that the defence evidence let in is something in the nature of negative evidence. But in the light of the evidence of M.W.1 about a Memo preceding the charge sheet on account of any serious misconducts and their being no such charge memo, it can be said that this incident had been magnified at a later stage. The third charge relates to the workman sleeping on his Night Duty for five or ten minutes. According to witnesses, Seetharamayya and Narasimharao they found the workman sitting and not even responding till Tejeshwara Rao the other witness examined at the Board of enquiry, shook the workman by his hand. They thus observed the workman sleeping for five or ten minutes. It is in their evidence that when they went upto the conveyor belt they were on the back side of the workman. Even the said Tejeshwara Rao who examined would only put that the opined that the workman was sleeping. In the cross examination of Tejeshwara Rao it is also elicited that at 3.05 and 3.15 this workman was telephoning to others and even at 3.25 the workman telephoned to Dumper to stop the feeding as the belt was rubbing too much. It might be that the workman did not notice Seetharamayya and Narasimharao who were coming to this place from behind. It is difficult to draw the inference that they actually found him

sleeping as the workman was then in a sitting position. I have already noted the details of the evidence with regard to the three charges. Even with regard to the third charge no memo preceded the charge sheet. The delay in issuing the charge sheet with regard to first charge also appears to be fatal. At any rate it remains unexplained. Having regard to the above circumstances the very issue of a charge sheet on the three counts which were never considered serious, would give an impression that an element of victimisation has gone into the whole matter. One is however left with the impression that as against the back ground of agitation this workman being the General Secretary of the Association which not only served a charter of demands but has been continuously protesting, the Management was bent upon to take some action against him. It is true that the proof of misconduct in a domestic enquiry need not be upto the hilt, and it is sufficient if a *prima facie* case has been made out. That proposition does not require any authority. In *MARTIN BURN, LTD. v. BANERJI* [1958(I)LLJ, Supreme Court page 247] observed :

"A *prima facie* case does not mean a case proved to the hilt but a case which can be said to be established if the evidence which is led in support of the same were believed. While determining whether the *prima facie* case had been made out, the relevant consideration is whether on the evidence led it was possible to arrive at the conclusion in question and not whether that was the only conclusion which could be arrived on that evidence. It may be that the Tribunal considering this question may itself have arrived at a different conclusion. It was, however, not to substitute its own judgment for the judgment in question.

It has only got to consider whether the view taken is the possible view on evidence on record."

The High Court of Andhra Pradesh followed the above ruling in a case reported in 1960(II) LLJ, page 484. As noted above even with regard to the charge No. 3 the very evidence of Tejeshwar Rao demolishes the case of the Management that the workman was found sleeping. It was also rightly contended by the learned counsel for the workman that at the time of giving its findings, the Board wrongly held that the said Tejeshwar Rao became hostile, even though at the time of his examination by the Management he was not treated hostile and the workman was not given the opportunity of further cross examining him after being treated hostile by the Management. A perusal of the evidence of the said Tejeshwar Rao also does not reveal that he actually turned hostile to the Management. Merely because he made a concession or two in the cross examination or merely because his evidence contradicts the evidence of other two witnesses, he cannot be said to be a hostile witness. At any rate he was not so treated by the Management and it was not permissible to the Board at a later stage to treat him so. This is another infirmity in the domestic enquiry. That apart, in so treating him hostile at a later stage the Board of Enquiry also betrayed its bias in favour of the Management. Apart from the question whether the Tribunal can come to its own conclusion on the same evidence, the impression by and large one gets is that the action against this workman was motivated and a malafide one. This is more so having regard to the nature of punishment imposed upon him. Admittedly, on account of the first misconduct there was no loss of work. Similarly no mishap or damage to the belt was occasioned by the alleged sleeping of the workman for a few minutes at the conveyor belt. The second charge itself was not considered to be serious one, which infact if true was a serious one. The punishment of dismissal, therefore, also appears to be disproportionate to the trivial charges. This conclusion is also reinforced by the circumstances that even though the domestic enquiry against this delinquent was over he went on a hunger strike from 22-7-1971. In the Settlement that followed on 23-8-1971 the Management while agreeing to revoke the suspension order against him reserved its right to continue the disciplinary proceedings against him and it is only on 5-10-1971 that the disciplinary authority passed the order of removal. It can be seen that the Management was particular with regard to this office bearer while it restored the President Mr. Haq as an Operator under the terms of Settlement. It is, therefore, equally

possible that in view of the continuous hunger strike, the Management was persistent in its action against this workman. If as a matter of grace and goodwill, that Settlement was entered into, the fact that the Management reserved its right to continue the action against this workman would also point to the attitude of the Management to victimise this workman. In these circumstances, apart from the infirmities in the domestic enquiry pointed out, it can be held that the action of dismissal taken against this workman is a malafide one and is motivated.

22. The charge against the second claimant is that while he was on duty on 24-3-1971 between 6.00 a.m. and 2.00 p.m. as a Shovel Operator he caused damage to the cable to the extent of 30 feet by operating the Shovel at a fast speed and in a careless manner. In the domestic enquiry jointly held against this workman and the Khalasi by name, Kumar three witnesses by name, Subramanyam, Shastry and Krishnamurthy were examined in the first instance. The Presenting Officer's evidence is also recorded in the first instance who was cross examined by the two delinquents. After a lapse of nearly four months even though this workman in the first instance stated that he had no defence, one more Khalasi by name, Srinivasa Rao was examined purporting to be defence witness. It is relevant to note that the Presenting Officer himself conducted the preliminary enquiry who was examined as the first witness, this procedure was commented upon by the learned counsel for the workmen. Similarly the witness Srinivasa Rao said to be examined as a defence witness at a belated stage was disclaimed to be a defence witness. None of the three witnesses and the Presenting Officer, it can be said, were present at the time of the occurrence but they only reached the spot and formed their opinion after the cable was damaged. Though at one stage the case of the Management was that the cable was cut into pieces but that stand is given up. All that is alleged is that the cable was damaged by the rash and negligent operation of the shovel. As would emerge from the domestic enquiry, the process of operation is as follows; This is also deposed to by M.W.I. While the operation of the shovel is fast the movement of it is by itself slow. Initially it is the duty of the Operator to see that the length of the cable was enough for the movement of the shovel. The Khalasi is posted at the back of the shovel. The cable drum would be at the back or to a side depending upon the movement of the shovel and the cable would be wound round the cable drum. While in operation, the cable gets itself un-wound and gets at the cable drum. Though this unwinding process is a mechanical one, at the time of the incident the unwinding was done manually. The Khalasi has to operate or assist in winding only and not in un-winding. In the instant case while the workman was the Operator, Mr. Kumar was the Khalasi meant to assist him. It is also admitted by M.W.I that an electric siren is provided to the Khalasi to make signal to the operator when the shovel is in motion. From the above evidence it would appear that there is initially a duty on a shovel operator to see that the loop (i.e. the wire) between the cable and the shovel is sufficiently long enough before the shovel is put into operation and while the shovel is in operation the Khalasi has to observe the length of the loop and if it is short for any reason to make signals to the Operator regarding it and if necessary to stop the shovel if the length of the loop is short, in which event it will strain the cable drum and there would be a possibility of cable itself being broken or damaged on account of the strain. The point for consideration is whether the admitted damage to the cable was the result of negligent operation by this workman. It is in the evidence of the domestic enquiry that the cable would burst when it is an aged one and when there is not sufficient loop while turning the shovel. This incident is said to have happened at 8.15 a.m. The enquiry also reveals that this incident took place at 8.15 a.m. There is however one glaring omission in the domestic enquiry. It is true that admittedly the cable was damaged at 8.15 a.m. after the shovel was put into operation. It is equally true that initially the duty of checking of the loop lies upon the Operator before he puts the shovel into operation but once the shovel goes into operation, the operator will not have an opportunity to look to the loop while it gets unwound from the cable. It is for that reason the Khalasi has to observe the unwinding process of the cable from the cable drum so that the loop length is constant. It is not brought out in the evidence at the domestic enquiry as to how long after the shovel went into operation, the cable was cut on account of there being insufficient loop. It can be repeated that if

once the shovel has gone into operation, it is for the Khalasi to note its length from time to time and to give signals to the Operator either to proceed or to stop in case unwinding of the cable from the drum is impeded rendering the loop insufficient. Though the unwinding process is said to be a mechanical one it cannot be said that the un-winding process would not get hampered for any reason. It is in the evidence of Subramanyam (examined at the domestic enquiry) that the reason for bursting of the cable would be on account of the cable getting jammed in between the cable drum and the supporting column. Thus for this reason, if sufficient cable was not released or got unwound leaving the loop insufficient the Operator cannot be found fault for not stopping the operation of the Shovel. Thus while the shovel in operation it was the duty of the Khalasi to make signals as to the availability of the sufficient loop to that the operator may go on with the operation. As noted above all the witnesses went to the spot only after the shovel came to a stop, after the damage to the cable. The circumstantial evidence that there were recent marks of rubbing of the cable against the drum edge would only establish the happening of the event. But in the absence of evidence as to how long after the shovel was put into operation, the bursting of the cable took place, the Operator cannot be found fault for negligent operation. At any rate there is no evidence on this aspect at the domestic enquiry. The Board of Enquiry appears to have relied upon the statement of the Khalasi Mr. Kumar in holding that at the initial stage of the start of the operation the delinquent workman did not check the adequate length of the loop before the shovel was put into operation. The statement of the Khalasi would purport to say that the cable burst shortly after the shovel was put into operation and on account of the inadequate length of the loop. It can be recalled that even according to the Management there was a preliminary enquiry before both the Operator and the Khalasi were charge-sheeted. If this version of the Khalasi was the same in the preliminary enquiry which would fix the responsibility *prima facie* upon the Operator there was no reason why the Khalasi was also charge-sheeted for the damage to the cable. I need not apply the standards of appreciation as in a criminal case. The Khalasi himself is in the position of co-accused. His statement to exculpate himself without anything more to inculpate himself is equally of no avail to fix the responsibility upon the Shovel Operator. Even if his statement is taken into account it is not as though he gave the signal or siren to the Operator to stop the shovel. His version is that he simply shouted which could not be heard by the Shovel Operator. If for any reason the length of the loop became short during the course of Operation, and the Operator without any knowledge of it continued to operate the equipment, he cannot be found fault for any negligence. The Board of Enquiry appears to have been weighed with the consideration that subsequent to the accident or incident the delinquent operator pulled the cable to some length so as to give an impression that the damage to the cable was not on account of the shortage of loop length. It is now well settled, if I may so, that in judging the question of negligence though un-intentional the subsequent conduct is wholly irrelevant. If I am to take a common example, the subsequent conduct of a Motor Driver by way of absconding who had the misfortune of meeting with an accident could be an illustrative one. The negligence of such a motorist is not judged by this subsequent conduct. Similarly even assuming that the Operator in the present case pulled some cable wire to show that there was sufficient loop, it would not establish his negligence in operating the shovel. Thus in the first place there was no evidence before the Board of Enquiry which would establish that the damage of the cable took place at the start of the shovel operation. The evidence of the Khalasi apart from being not admissible is equally un-reliable. The Board appears to have been carried by the subsequent conduct. For the above reasons it cannot be said that the findings of the Board are either warranted by evidence on record or that the findings do not suffer from perversity. I have already noted above that so far this delinquent is concerned the subsequent refusal by the Board for calling the previous records has also prejudiced the workman. It cannot also be said that the delinquent was a novice and had no experience in operation. He was in this job since 1965. It is also not the case of the Management that during those six years the workmen was guilty of any lapses in his duty or with regard to the operation of the shovel. It was rightly contended by Mr. Laxman Rao the learned counsel for the workmen that at best it was an accident. In

any view of the matter apart from the domestic enquiry being unfair, there is not a shred of acceptable evidence in support of the charge. The dismissal order is, therefore, not sustainable. It was however contended by the learned counsel for the workman that this workman was also an active member of the Union and therefore the action against him was also malafide one and was by way of victimisation. It would appear that on prior occasions such incidents did happen where the cable was damaged either on account of its being worn out or on account of the loop length getting short while the shovels were in operation. The Management shirked from producing those previous records, and the Board with a limited vision refused to call for those records of previous incidents and thereby gave room to the workman to contend that under similar circumstances no action was taken. From the failure of the Management to produce the previous records I am also constrained to hold that the case of this workman was singled out for some action. If that were so the contention of the workman that the action initiated against him was motivated or was by way of victimisation also gains support. For all these reasons I hold that the dismissal of this workman is unjustified and he is entitled to be reinstated.

23. The charge against claimant No. 3 is that on 15-11-70 when this duty was over by 2.00 p.m. he stopped the conveyor No. 3 without waiting for the reliever. Thus the case of the Management is that as per the oral instructions existing at that time a workman has to wait at the workspot till the reliever comes and if he so asked by his immediate superior and thus the workman was also entitled to the overtime wages. The further case of the Management is that on account of the stoppage of the conveyor the working of loading and unloading was much affected and in the chain process the loading of the ships and unloading from the train was also affected. The workman was put under suspension from 9-1-1971. It is however the case of the Management that it is only on 17-11-1970 that written instructions were issued in that behalf. It would however appear from the records that the Assistant Engineer got the conveyor restarted after 15 or 20 minutes. The case of the workman is that as he apprehended some damage to the belt on account of its rubbing on a side he stopped it. His further case is that he could not wait for the reliever on the asking by a co-worker and that he was not specifically instructed by any superior. In the context of this charge the very findings of the Board are revealing. It is noted as follows:—From the records of delays submitted to the Board of Enquiry by the Presenting Officer it is seen that the dumping was stopped from 1.40 to 2.00 p.m. due to hatch changing and from 2.05 to 2.20 p.m. the dumping could not be done due to the stoppage of conveyor No. 3 by Sri V. V. Narasimham, Attendant Grade II. There was further stoppage of dumping up to 2.40 due to other causes. Regarding the stoppage of loading it was due to the stoppage of conveyor No. 3 by V. V. Narasimham, Attendant Grade II from 2.05 to 2.20 p.m. It is however the case of the workman that he was present till the conveyor was re-started by the Engineer and that if there was any delay, in re-starting the conveyor, the responsibility rested with the Assistant Engineer. It is common case that there were no written instructions with regard to the waiting of a workman after his duty hour till the reliever comes. It is also the common case that if the workman has to claim overtime wages for staying at the workspot awaiting the reliever there should be instructions in this behalf by his immediate superior. In the instant case the workman was only informed by his co-worker. All that would transpire from the observations of the Board is that the dumping work was stopped for 15 minutes. It is significant to note that even that work could not be taken up for further 20 minutes due to other causes. It is equally significant to note that the work of dumping was stopped even from 1.40 p.m. to 2.00 p.m. preceding the stoppage of the conveyor by the workman. It is not the case of the Management nor is it the allegation in the charge sheet that any loss was occasioned on account of the stoppage. It would thus appear from the very findings of the Board that immediately preceding and following this stoppage the operations were affected for other reasons. Thus even assuming that the workman did not adhere to the then existing convention or practice, the punishment of dismissal awarded to him is beyond all proportion to the alleged misconduct or omission on the part of the workman. Thus even assuming that the findings are correct and that this Tribunal cannot substitute its judgment for the judgment of

the Disciplinary Authority, the misconduct being trivial, the punishment imposed is disproportionate. It is now settled law that where the punishment imposed is a disproportionate one that is itself an unfair labour practice and that even an inference of victimisation has to be drawn. In this view of the matter the punishment awarded to the workman cannot be allowed to stand.

24. The fourth claimant is said to be a probationer who joined service on 28-1-1970. The period for probation is two years. The case of the Management is that since his work was found to be unsatisfactory his services were terminated before the expiry of the probation period pursuant to Regulation 10 of the Visakhapatnam Port Trust Regulations. The incidents alleged against this workman are that with regard to his failure to fix a bolt to the Bulldozer, he was censured under Ex. M7. Since he participated in the mass protest on 15-1-1971 he was censured under Ex. M8. The further allegation is that on 19-3-1971 he refused to clean the vacuum air filter when instructed by the Charge-hand and in that context there was a report by the Charge-hand and by the Assistant Engineer and he Engineer. It is admitted by M.W.1 and M.W.2 that Ex. M9 reports were not communicated to the workman. It is the further evidence of M.W.1 that the termination order is based upon the censure Ex. M7 and the report contained in Ex. M9. It was the contention on behalf of the workman that even in the counter filed by the Management there is no whisper about the Ex. M9 report leading to the termination. Thus till the stage of evidence, Ex. M9 series, all relating to one incident of refusal to clean the vacuum air filter, have not seen the light of the day. It was also contended for the learned counsel for the workmen that if with regard to the failure of the delinquent to fit the bolt to the Bulldozer there was already a censure as per Ex. M7, the same cannot be again made a ground for termination. This contention is not devoid of force. The workman was already censured for that default. As regards Ex. M8 censure that did not arise in the content of his performance of duty. That was in connection with the mass protest. If the prior censure is also left out of consideration the only ground on which the services of this workman are said to be unsatisfactory is on account of the single incident on 19-3-1971 when the workman is said to have refused to clean the vacuum air filter. Could it be said that a single incident would prima facie prove the unsatisfactory nature of his services. The answer cannot but be in the negative. It is true that in Ex. M9(a), the report of the Engineer, it is alleged that the workman enters into an argument with every body at every stage with regard to the performance of his job. That is indeed a very sweeping allegation. No other reports are placed before the Tribunal to show that this allegation is justified. Evidently Ex. M9 series-reports relating to the only incident would not justify the conclusion of unsatisfactory performance. Thus even on merits the termination of his services is unjustified. That apart, admittedly the probation period is of 24 months from the date of appointment. If the probationer is guilty of lapses it was open to the management to hold an enquiry as would be done in the course of any other regular workman and then terminate his services. Regulation 10 under which this action of termination is said to have been taken by the Management reads as follows:—

"An employee on probation who has no lien on any post under the Board of Government shall be liable to be discharged from service at any time without notice if :

- (a) on the basis of his performance or conduct during the period of probation, he is considered unfit for further retention in service; or
- (b) .....

The circumstances under which the services of a probationer even where the contract of service provides for termination during the period of probation without assigning any cause or reason have been considered by the Supreme Court in a ruling reported in BROOKE BOND INDIA (P) LTD. v. Y. K. GAUTAM (1973(II)LLJ, page 454) in that case also the Management Company had the right to terminate the services of the probationer during the period of probation without notice and without assigning any reasons whatsoever. It is held therein :

"The principle which was made applicable to termination of permanent employees was extended to probationers by the decision in the Express Newspapers Ltd. (1964(I)LLJ, page 9) and Utkal Machinery case (1966(I)LLJ, page 398). It makes no difference to the principle that the employer cannot terminate the services even of a probationer on any grounds which have not been recognised as a justification for such termination. There can, therefore, be no doubt that the Tribunal can in a case where an industrial dispute is raised, go into the question of the validity of the order of termination even in the case of a probationer whose services have been dispensed with before the expiration of the probation period without assigning any reason."

The ruling further lays down :

"The circumstances in which an employee's services can be terminated was considered in the Management of U. B. Dutt & Co., v. Workmen of U. B. Dutt & Co. (1962 (1)LLJ, page 374) It was of the opinion that the requirement of bona fide is essential and if the termination of service is a colourable exercise of the power or as a result of victimisation unfair labour practice the Tribunal will have jurisdiction to intervene and set aside the termination as capricious, arbitrary or unnecessarily harsh."

Applying the above principle it can only be said that since the termination is based on reports relating to a single incident of alleged disobedience or non-compliance, from which it cannot be inferred that the performance was unsatisfactory, it has to be held that the order of termination is a colourable exercise of power and it is capricious, arbitrary and even unnecessarily harsh. At any rate it is unreasonable. Though the above ruling of the Supreme Court referred to the earlier ruling of the same Court reported in UTKAL MACHINERY LTD. v. SANTI PATNAIK (1966(I) LLJ, page 398) relating to a probationer, since the observations there-in are quite apposite to the present case, they are extracted below :

"There was no proof of the alleged misconduct on the part of the concerned employee (unsatisfactory work) and there was no justification for terminating her services. In the absence of evidence in regard to unsatisfactory work of the concerned employee, the discharge of the employee was held mala fide by the labour court. In these circumstances the view taken by the labour court must be held correct."

It is pertinent to note that even M. W. 2 would only speak about the reports which he received from the Chargehand and which he in turn made to the Chief Engineer. There is no evidence positive led before the Tribunal in support of the termination is based on reports relating to a single incident. In the absence of such a proof in support of the alleged unsatisfactory work of the workman a conclusion that the termination of his services was mala fide would also be justified. In this view the order of termination of the services of the workman is set aside.

25. I have held already that the dismissal order of claimants 1 to 3 is bad and unsustainable. Even assuming that the findings of the enquiry Board with regard to claimants No. 1 and 3, regardless of the infirmities in the enquiry are sustainable, the punishment awarded to them is equally disproportionate. At any rate having regard to the provision of Section 11(A) of the I.D. Act the Tribunal would be justified in reducing the punishment awarded to all the claimants by setting aside the order of dismissal with regard to claimants 1 to 3 and the order of termination in relation to claimant No. 4. More than three years have elapsed since the date of the orders passed by the Management in relation to each of the claimant. In the earlier view taken by me since their dismissals or terminations are not warranted, all the four claimants are entitled to be reinstated. Alternatively while setting aside the orders of dismissal or termination the imposition of reduction in their salary would be a sufficient punishment. It cannot by any stretch of imagination be said that the claimants were holding any post of confidence. Thus while setting aside the orders of dismissal as

against claimants No. 1 to 3 and the termination order against claimants No. 4, the Respondent Management is directed to reinstate them but the claimants would only be entitled to 1/3rd of their salaries. Claimants No. 1 and 2 would be further entitled to continuity of service and other attendant benefits. Since claimants No. 3 and 4 are only probationers they would continue their probation from the date of reinstatement.

26. Award passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of the Tribunal, this the 27th day of November, 1975.

#### APPENDIX OF EVIDENCE

Witnesses Examined Witnesses Examined For Employers.  
For Workmen:

W.W. 1 Sri A. M.W. 1 Sri P.L. Rao  
Rahman

W.W. 2 T.V. M.W. 2 Sri K. Kameswar Rao.  
Subba Rao

M.W. 3 Sri E. Suryanarayana.  
M.W. 4 Sri V. Shankar Lingam.

#### DOCUMENTS EXHIBITED FOR WORKMEN

- Ex. W1. Copy of the Charge Sheet levelled against Sri A. Rahman, dated 10.3.1971.
- Ex. W2. Copy of the explanation of Sri A. Rahman dated 18-3-1971.
- Ex. W3. Cover of the Annual Magazine 1972 Cultural Association showing the Ore handling plant, Visakhapatnam Port Trust.
- Ex. W4. Notice of the General Secretary, Ore-handling Plant employees Association dated 19-4-1971.
- Ex. W5. Notice of the General Secretary for indefinite hunger strike dated 8-7-1971.
- Ex. W6. Memorandum of settlement dated 23-8-1971 between the President, Visakhapatnam Harbour & Port Workers' Union and the Chairman, Visakhapatnam Port Trust.
- Ex. W7. Copy of the Memo dated 22-2-71 against Sri T.V. Subba Rao, Motor Mechanic.
- Ex. W8. Copy of the Memo dated 2-3-71, against Sri T.V. Subba Rao, Motor Mechanic.
- Ex. W9. Copy of the Letter of Sri T.V. Subba Rao dated 27-3-71, addressed to the Chairman, Visakhapatnam Port Trust for conducting an enquiry.
- Ex. W10. Copy of the Letter of Sri T.V. Subba Rao, dated 30-1-71, addressed to the Asst. Executive Engineer (Maintenance) regarding personal grievances.
- Ex. W11. Copy of the safety precautions to be observed at the Ore handling plant in items I to XIV.
- Ex. W12. Copy of the letter of General Secretary dated 11-5-1970, addressed to the Chairman, Visakhapatnam, Port Trust to recognise the Employees Union.
- Ex. W13. Copy of the letter of the Secretary, Visakhapatnam Port Trust, dated 24-9-1970, addressed to the General Secretary, National Port Trust Employees Union, inviting for discussions on strike.
- Ex. W14. Copy of the Notice of Plant Superintendent, dated 17-10-70.
- Ex. W15. Copy of the Circular of the Chief Mechanical Engineer, dated 28-10-70.
- Ex. W16. Copy of the Declaration of "Protected Workmen" dated 21-11-1970.

Ex. W. 17	Copy of the Declaration of "Protected Workmen" dated 23-11-1970.	Ex. W. 37	Copy of the letter of Sri T.V. Subba Rao dated 9-8-73 addressed to the Chairman requesting to reinstate in service.
Ex. W. 18	Copy of the Notice of Asst. Labour Commissioner (Central) Visakhapatnam-2, dated 12-1-1971 issued to the Chairman, Visakhapatnam Port Trust and General Secretary, Ore Handling Plant Employees Union, regarding declaration of "Protected Workmen".	Ex. W. 38	Letter of the Secretary dated 20-9-1973 addressed to Sri T.V. Subba Rao.
Ex. W. 19	Copy of the General Secretary's letter, dated 3-3-1971 addressed to the Chairman to declare the office bearers of Association as "Protected Workmen".	Ex. W. 39	Extract from the Visakhapatnam Port Employees (Recruitment, Seniority and promotion) regulations, 1964.
Ex. W. 20	Copy of the letter dated 29-7-1971 from the Asst. Labour Commissioner (Central), addressed to the Chairman, and the President in respect of discussion on hunger strike.	Ex. W. 40	Visakhapatnam Port Employees (Classification, Control and Appeal) Regulations 1968.
Ex. W. 21	Copy of the letter dated 20-10-1971 of the Asst. Labour Commissioner (Central), regarding Charter of demands raised by the Ore Handling Plant Employees Association, Visakhapatnam.	Ex. W. 41	Notice of the Ore Handling Plant Employees Association dated 24-10-1973 in respect of the termination of 4 workmen. (One Register)
Ex. W. 22	Copy of the letter of Asst. Labour Commissioner (Central) dated 27-10-1971 regarding Charter of demands raised by the Ore Handling Plant Employees Association, Visakhapatnam.	Ex. W. 42	Notice of the Ore Handling Plant Employees Association dated 4-11-73 in respect of the General Body Meeting on 11-11-75 (One Register)
Ex. W. 23	Copy of the letter dated 29-10-1971 from the Asst. Labour Commissioner (Central) in respect of Charter of demands raised by the Ore Handling Plant Employees Association, Visakhapatnam.	Ex. W. 43	Membership Register of Ore Handling Plant Association for the year of 1970.
Ex. W. 24	Copy of the letter of Secretary dated 20-3-73 regarding permission for taking photographs at O.H.P.	Ex. W. 44	Membership Register of Ore Handling Plant Association for the year of 1971 to 1972.
Ex. W. 25	Copy of the letter of the Secretary dated 10-4-1973 addressed to Sri A. Rahman in respect of permission for taking photographs at O.H.P.	Ex. W. 45	Membership Register of Ore Handling Plant Association for the year of 1973.
Ex. W. 26	Plan of the Ore Handling Plant.	Ex. W. 46	Membership Register of Ore Handling Plant Association for the year 1974.
Ex. W. 27	Copy of the Telegram from the Ministry of Labour, Government of India addressed to Sri A. Rahman, General Secretary, Ore Handling Plant and Dock Employees Union on 6-5-1974.	Ex. W. 47	Membership Register of Ore Handling Plant Port & Dock Employees Association, Visakhapatnam Port Trust for the year of 1975.
Ex. W. 28	Copy of the Explanation dated 23-2-72 of Shri M.O. Varghese Shovel Operator addressed to the Chief Mechanical Engineer, Visakhapatnam Port Trust.	Ex. W. 48	Copy of the Letter of Sri A. Rahman dated 15-7-1971, addressed to Shri Raj Bahadur, the Transport Ministers, New Delhi, requesting to intervene and help the workers.
Ex. W. 29	Proceedings of the disciplinary authority against Shri M. O. Varghese, Shovel Operator, O.H.P. dt. 30-3-1972.	Ex. W. 49	Copy of the Letter of Sri A. Rahman dated 12-6-1971 addressed to the Labour Minister, President of Federation Transport Minister, Prime Minister and Labour Minister (Hyderabad), requesting to intervene and stop the victimisation and harrasment of workers.
Ex. W. 30	Notice of the Plant Superintendent dated 17-11-1970 for operators and attendants in Mechanical Department.	Ex. W. 50	Copy of the Letter of Sri G.Y.V. Ratnam dated 12-6-71 addressed to the President of India, Prime Minister, Sri R.K. Khadelkar, Sri Raj Bahadur, Sri G. Sanjeva Reddy requesting to intervene and save the 8 workers.
Ex. W. 31	Letter of Sri V.V. Narsimham, Grade II Attendant addressed to the Chairman, Visakhapatnam Port Trust in respect of termination.	Ex. W. 51	Copy of the Letter of Sri A. Rahman 21-7-71 addressed to the Labour Minister and Transport Minister Delhi, requesting for intervention.
Ex. W. 32	Explanation of Sri V.V. Narsimham dt. 7-4-1971 addressed to the Chief Mechanical Engineer in respect of Memo No. 9537, dt. 20-3-1971.	Ex. W. 52	Copy of the Letter of Sri G.Y.V. Ratnam 1-4-71, addressed to Sri R.K. Khadelkar, Hon'ble Labour Minister Government of India, New Delhi, requesting to intervene and save 600 workers.
Ex. W. 33	Disciplinary action dated 26-4-1971 against Sri V.V. Narsimham, Attendant Grade II, O.H.P.	Ex. W. 53	Copy of the Letter of Sri G.Y.V. Ratnam dated 1-3-71, addressed to the Honourable Minister of Labour, Government of India, New Delhi, requesting for intervention.
Ex. W. 34	Action of the appellate authority in respect of the appeal of Shri V. V. Narsimham, Ex-Attendant, Grade II O.H.P. Section, dated 19-6-1971.	Ex. W. 54	Copy of the Rules and regulations of the Ore Handling Plant Employees Association (V.P.T.) Visakhapatnam.
Ex. W. 35	Circular of Plant Superintendent, Ore Handling Plant dated 9-8-71 in respect of duties and responsibilities of Operators.	Ex. W. 55	Rules of the Ore Handling Plant, Port and Dock Employees Association (V.P.T.) Visakhapatnam.
Ex. W. 36	Copy of the appointment letter of Sri T.V. Subba Rao as Motor Mechanic, Ore Handling Plant.	Ex. W. 56	Copy of the Letter of General Secretary dated 1-7-1970 addressed to the Chairman, Visakhapatnam Port Trust, Visakhapatnam, regarding interium charter of demands.

Ex. W.57	Copy of the Letter of A. Rahman, Secretary, dated 11-8-1971, addressed to the Chairman, Visakhapatnam Port Trust, Visakhapatnam.
Ex. W.58	Copy of the Letter of the General Secretary dated 1-10-71 addressed to the Chairman, Visakhapatnam, Port Trust Visakhapatnam.
Ex. W.59	Letter of Deputy Engineer, Superintendent, Shipping Corporation of India, dated 3-5-1975, addressed to Sri A. Rahman.
<b>DOCUMENTS EXHIBITED FOR MANAGEMENT</b>	
Ex. M1	The Copy of the appointment Letter dated 1-4-1971 of Sri T.V. Subba Rao and Motor Mechanic, Ore Handling Plant Section.
Ex. M2	Office order No. CME/E, 1312, dated 7-2-70 in respect of Appointment of Motor Mechanics Mobile Cranes, Port workshop & O.H.P.
Ex. M3	Domestic Enquiry file of Sri Abdul Rahman, Attendant Grade II, Visakhapatnam Port Trust.
Ex. M4	Domestic Enquiry file of Sri M.O. Verghese, Shovel Operator, O.H.P. Visakhapatnam Port Trust.
Ex. M5	Domestic Enquiry file of Sri V.V. Narasimham, Attendant Grade II, O.H.P. Visakhapatnam Port Trust.
Ex. M6	First Regulations made by the Central Government and Regulations made by the V.P.T. Board under the Provisions of Major Port Trusts Act, 1963.
Ex. M7	Memo of charges levelled against Sri T.V. Subba Rao by Lr. No. 3711 dated 4-2-71.
Ex. M7(a)	Statement of Imputations of Misconduct or Misbehaviour of Sri T.V. Subba Rao.
Ex. M7(b)	Explanation Letter of Shri T.V. Subba Rao, dated 11-2-71, addressed to the Chief Mechanical Engineer, V.P.T. Visakhapatnam.
Ex. M7(c)	Proceeding of the Disciplinary action against Shri T.V. Subba Rao, Motor Mechanic, O.H.P.
Ex. M8	Copy of the Disciplinary proceedings dated 6-6-1972 against Sri T.V. Subba Rao, Motor Mechanic, O.H.P. Section.
Ex. M8(a)	Memo of charges dated 20-1-1971 against Sri T.V. Subba Rao, Motor Mechanic, O.H.P. Section.
Ex. M8(b)	Statement of the Imputations of Misconduct or Misbehaviour of Sri T.V. Subba Rao, Motor Mechanic, O.H.P. Section.
Ex. M8(c)	Explanation letter of Shri T.V. Subba Rao, dated 30-1-1970 addressed to the Chief Mechanical Engineer, V.P.I., Visakhapatnam.
Ex. M8(d)	Proceedings of the Disciplinary authority dated 2-3-1971, against Sri T.V. Subba Rao, Motor Mechanic, O.H.P. Section.
Ex. M9	Appointment Letter dated 1-4-71, of Sri T.V. Subba Rao, as Motor Mechanic O.H.P. Section.
Ex. M9(a)	Complaint of EE(M) Section dated 21-3-71 against Sri T.V. Subba Rao of E(M) Section.
Ex. M9(b)	Complaint dt. 20-3-71 against Sri T.V. Subba Rao.

Ex. M9(c)	Complaint of MXE (M) Section dated 20-3-71, against Sri T.V. Subba Rao.
Ex. M9(d)	Complaint of charge hand Joses 1st shift dated 19-3-71 against Sri T.V. Subba Rao.
Ex. M9(e)	Complaint of C.M.E. dated 29-1-71 against Sri T.V. Subba Rao.
Ex. M10	Report of the meeting held in Labour Minister's Room.
Ex. M11	Office Memorandum dated 30-10-74 in respect of four workmen terminations.

T. Narasig Rao,  
Industrial Tribunal  
[No. L34012/1/74-P&D/CMT(D-IV(A)/]

New Delhi, the 19th December, 1975

**S.O. 45.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to the management of the Bombay Port Trust, Bombay and their workmen, which was received by the Central Government on the 18th December, 1975.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY**

Reference No. CGIT-2/19 of 1974

**PRESENT :**

Shri B. Ramlal Kishen, LL.M., Bar-at-Law, Presiding Officer.

**PARTIES :**

EMPLOYERS IN RELATION TO—

The management of Bombay Port Trust

AND

Their workmen.

**APPEARANCES :**

For the employers : Shri R. K. Shetty, Legal Adviser.  
For the workmen : Shri S. K. Shetye, General Secretary for the B. P. T. Employees' Union.

State : Maharashtra

Industry : Major Ports and Docks

Bombay, dated 10th November, 1975.

**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, have by their Order No. L-31011/2/74-P&D dated 27th May 1974 referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the management of Bombay Port Trust and their workmen in respect of the matters specified in the following schedule :—

**SCHEDULE**

“Whether the Bombay Port Trust Employees' Union's demand that the Hamals attached to the smoke rooms at Butcher Island should be periodically rotated with the Hamal attached to the oil pipe line section at Trombay is justified and should be implemented.”

2. After the receipt of the reference notices for filing their statements were issued to the parties.

3. The Bombay Port Trust Employees' Union, in its statement of claim, has submitted that there are five posts of hamals attached to the smoke rooms at Butcher Island of whom two work in day shift of 12 hours duration (8 hours normal work plus 4 hours overtime) and two in night (7 hours normal work and 5 hours overtime) and one works as reliever. It is stated that at Pir Pau, Trombay, there is one post of hamal whose working hours are from 8 a.m. to 5.30 p.m. with one hour recess from Monday to Friday (Saturday upto 1 p.m. without recess). This hamal according to the union gets no fixed overtime like those five hamals working at Butcher Island. Although the six hamals are having common seniority with the same pay scale and are under the administrative control of the Engineer, M.O.T. Butcher Island, it is stated that the juniormost hamal is permanently posted at Pir Pau which results in his not enjoying the overtime benefit which the other five hamals are having. It is the contention of this union that the principle of rotation has been long accepted by the Port Trust. For this the union relies on the award of my learned predecessor in Ref. No. CGIT-18 of 1968 wherein the Port Trust's decision to rotate the electricians, wiremen and assistant wiremen between Butcher Island and Pir Pau Trombay was upheld. Although the B.P.T. General Workers' Union filed a writ petition against this award in the High Court of Bombay it is stated that the High Court upheld the award. It is also contended that the principle of rotation has been further reiterated by the Trustees by their unanimous resolution T.R. No. 1581 of 1973 and in furtherance thereof the Port Trust issued a notice of change in which it was inter alia stated as follows :—

"(a) The employees shall be rotated at regular intervals at their various places of work and in their shifts unless in a particular case the rotation cannot be effected for compelling administrative, operational and other equally valid reasons to be recorded in writing by the Head of the Department."

This decision was arrived at after discussions with the unions and has since been implemented. Therefore in this case also rotation should be effected. The union does not accept the contention of the Administration that the rotation would entail administrative and other difficulties. According to this union the employers have not put forward any compelling or valid reasons for not effecting the rotation; that the number involved in this case is only six whereas in the case of large number of employees rotation has been effected. This union has stated that it does not accept the contention of the B.P.T. General Workers' Union that the hamals attached to smoke rooms at Butcher Island were specifically appointed for the work of attending the smoke rooms only. It is contended that there is no special qualification prescribed for the hamals attached to the smoke rooms and there is no material change in the duties carried out by the Hamals working at Butcher Island and Pir Pau. It is the case of this union that the Administration has written to the Regional Labour Commissioner (Central) that on account of incidence of overtime the posting of hamals between Butcher Island and Trombay is done according to seniority and not because the hamals attached to Butcher Island are appointed for specific work as contended by the other union. It is finally stated that the principle of equity, social justice and fairplay fully justifies the demand of the union for rotation of staff having the same pay scale, qualification and common seniority.

4. The B.P.T. General Workers' Union which will hereafter be referred to as "the other union" has filed a statement opposing the demand for the periodical rotation of the hamals attached to the smoke rooms at Butcher Island with hamals attached to the oil pipeline section at Trombay Manifold as it is not justified. It is the case of this union that the employers had never agreed to the demand for rotation of the five hamals attached to the smoke rooms at Butcher Island jetties with other hamals; that the matter was taken up in conciliation as the B.P.T. Employees' Union insisted on pressing and pursuing their demand. This union has stated that in view of the fact that the terms and conditions of these five hamals are totally different from the other seven hamals working under the Chief Mechanical Engineer and 17 hamals working under the Chief Engineer, Bombay Port Trust and in view of the fact that these hamals were exclusively and specifically

appointed to work at the smoke rooms at the jetties of the Island their rotation would impose administrative and other difficulties and it should not be allowed. This union has stated that the notice of change referred to by the B.P.T. Employees' Union has not been accepted by it without qualification. According to this union, at Butcher Island there are two hamals attached to the office of the Engineer, Marine Oil Terminal and these two hamals are borne on the common cadre of hamals of the Chief Engineer's department and the Chief Mechanical Engineer's Department the total number of which is 24. Out of these 24 who have common seniority 17 are working in the Chief Engineer's Department and 7 including the two hamals working in the office of the Engineer, Marine Oil Terminal are under the Chief Mechanical Engineer's Department; that the two hamals working under the Engineer, Marine Oil Terminal are permanently in the day shift of 12 hours consisting of 8 hours normal wages and 4 hours overtime. According to this union five hamals were specifically appointed for the smoke rooms and at the time of appointment they had been informed of their working hours and were told that they shall have to work in shift of 12 hours each consisting of 8 hours normal working and 4 hours overtime working in day shift plus they will get night coefficient while working in the night shift. These five hamals rotate periodically in day and night shift and from the date the smoke rooms were put into commission these five hamals have been maintained on separate seniority and not at all rotated with the hamals working in the office of the Engineer, Marine Oil Terminal or any of the hamals working either at Pir Pau, Trombay Manifold. It is submitted that under the contractual terms of employment which have been entered into between the employers and the hamals working at the smoke rooms the terms and conditions of service of the hamals at the smoke room are completely different and therefore they cannot be called upon to rotate with the hamals working at Pir Pau, Trombay Manifold, or at the office of the Engineer, Marine Oil Terminal.

5. The Bombay Port Trust has by its written statement-cum-rejoinder submitted that there are five posts of hamals attached to the smoke rooms at M.O.T. Butcher Island and they are deployed as follows :—

Smoke room No. 1 — 1 per shift of 12 hours 2  
Smoke room No. 2 — 1 per shift of 12 hours 2  
Reliever

and there is a sixth post of hamal at Trombay Manifold. It is stated that the Hamal at Trombay Manifold is kept in permanent day shift of 8 hours duty and placed on overtime as per exigencies of work. According to the employers the B.P.T. Employees' Union statement that there is one hamal working as reliever at Pir Pau is not correct. The employers have submitted that in accordance with the general principles of posting, where there is more benefit of overtime senior and experienced employees are posted. It is stated that as the hamal posted at Pir Pau does not work on fixed 12 hours duty at Trombay Manifold he may not draw the same quantum of overtime as the hamals and Butcher Island but the statement of the B.P.T. Employees Union that he is not getting the benefit of overtime is not accepted. It is denied that the employers have accepted the principle of rotation irrespective of feasibility. It is further submitted that each case has to be examined and decided on its own merits and the award in CGIT-18 of 1968 quoted by the B.P.T. Employees' Union has no relevance in the present dispute. In this case by effecting rotation excepting for the individual gains of the junior hamal the employers will not achieve any operational flexibility; on the other hand they will be faced with administrative difficulties and the supervisory staff will have to be busy drawing up rosters and attending to complaints from hamals for non-equalisation of overtime. It will upset their set procedure. According to the employers Resolution No. 1581 of 1972 is not applicable to the workmen covered by the present reference. It is submitted that the union has not pointed out any special advantage in effecting this rotation whereas according to the employers senior employees are likely to be frustrated if their working hours are suddenly changed from 12 to 8 hours. It is also possible that if rotation is allowed new recruits may get postings at Butcher Island on 12 hours duty which in turn may create complications inasmuch as the B.P.T. Employees

working on 8 hours duty in other sections of this department may opt for posting at Butcher Island. The demand if accepted may give arise to a spate of other demands from employees in other sections seeking rotation.

6. In their written statement-cum-rejoinder to the statement of claim of the B.P.T. General Workers' Union it is denied that the five non-scheduled hamals were appointed specifically for smoke rooms and were given assurance of 12 hours duty in shifts at the time of appointment. It is also denied that from the date of commissioning of the smoke rooms somewhere in October 1966 the five non-scheduled hamals have been given separate seniority and were not at all rotated with the two scheduled hamals working in the office of the Engineer, Marine Oil Terminal. In fact it is the contention of the employers that with effect from 1-11-1966 all the seven hamals were being rotated between the various places of work, namely smoke rooms, office of the engineer M.O.T. and the electrical stores etc. This rotation was introduced with a view to ensure equal distribution of overtime earnings between all the hamals. It is admitted that at no time there has been any rotation between hamals posted at Trombay Manifold and the hamals working at M.O.T. Butcher Island. It is also admitted that the hamals working in the smoke rooms at M.O.T. Butcher Island have no avenues of further promotion. It is, however, denied that there is any contractual agreement with the five non-scheduled hamals that they would not be rotated with other hamals. It is again reiterated that the employers are opposed to rotation between the hamals attached to smoke rooms and the hamal working at Trombay Manifold on the ground that it will create lot of avoidable administrative and other difficulties. It is stated that at present the employers have a set procedure in that the new incumbents at the entry post are always posted in 8 hours shift at Trombay Manifold and after they gain experience they are sent to Butcher Island in accordance with their turn in the combined seniority of workmen. The present dispute according to the employers is the result of inter-union rivalries between the Bombay Port Trust Employees' Union on the one hand and the Bombay Port Trust General Workers' Union on the other. In these circumstances in the interest of industrial peace the demand for rotation should be rejected.

7. The B.P.T. General Workers' Union filed another statement wherein it is stated that the members of this union working as hamals at the Marine Oil Terminal were specifically and directly appointed for the island, and they had not sought transfer for the sake of earning overtime allowance. This union took the stand that it is not open to the employees to seek any transfer or rotation for the sake of earning overtime allowance and this stand has been upheld by the Supreme Court in the case of shore crews of the Deputy Conservator B.P.T. According to this union the demand of the B.P.T. Employees' Union for rotation in this particular case is not a valid and legal trade dispute. Finally it is stated that this union adopts the arguments advanced by the Bombay Port Trust in their statement-cum-rejoinder dated the 20th March, 1975 and over and above what has been stated by it in its statement of claim it does not want to make any oral submissions.

8. The Bombay Port Trust examined Shri Deodhar Vithal Laxman who has deposed that he joined the B.P.T. in June 1952 as an electrician. He is a L.M.E. and L.E.E. of VTII Bombay. He is also an associate member of Institute of Engineers, India. He is acquainted with the duties of Hamals at Butcher Island and Trombay Manifold. He is aware that the B.P.T. Employees' Union have raised a demand for rotation of hamals between Butcher Island and Trombay Manifold. He is also aware that the B.P.T. General Workers' Union represents the hamals working at Butcher Island and this union does not support the demand for rotation; that the hamals at Butcher Island who earn more do not want to go to Trombay Manifold; that the duties of hamals is to maintain the smoke rooms and clean them. Their duties both at Butcher Island and Trombay Manifold are the same. There are 7 hamals at Butcher Island—5 non-scheduled and 2 scheduled and at Trombay only one hamal. At Butcher Island the overtime is 4 hours in the day shift and 5 hours in the night shift and at Trombay there is no fixed overtime. A juniormost in the category of hamal is posted at Trombay Manifold where

there is less chance of working overtime and the seniors are posted a Butcher Island. He has deposed that there will be discontent at Butcher Island if rotation is permitted as they will be put to monetary loss. He has stated that when the vacancies occur at Butcher Island the hamal at Trombay will have opportunity to go to B.I. as they have common seniority. According to the witness if rotation is conceded there will be difficulties for the supervising staff as they will have to prepare the rosters every time and for equalisation of overtime they will have to be very careful which sometimes is not possible and this will give rise to discontent, complications and allegations against the supervisory staff. In the opinion of the witness the rotation of electrical staff introduced after Shri Zambre's award between Butcher Island and Trombay Manifold is not working satisfactorily because the link of work is not maintained with the result that the supervisors are put to strain in explaining the things to the staff coming afresh from Pir Pau. He has stated that the staff covered by the award of Shri Zambre viz. electricians, wiremen and assistant wiremen have raised the problem about lockers; they have also on occasions raised disputes about unequal distribution of overtime and allegations about supervisory staff. According to the witness, supervisory staff with all their care and impartiality are not in a position to equally divide the overtime for various reasons and because of these allegations and counter-allegations a lot of time is wasted in explaining the correct position that the staff covered by Shri Zambre's award on their posting at Pir Pau remain absent abruptly thereby causing difficulties to the administration. He has further stated that it is observed that the staff above when they know that within a few days they are to go to Pir Pau, Bombay do not take very keen interest; that the staff coming back from Pir Pau to Bombay also give an excuse that they are not aware of what has happened in the past when they were at Pir Pau and the supervisors are again strained in explaining the thing to them. When staff from Butcher Island are posted at Pir Pau during the absenteeism of the staff initially posted at Pir Pau the staff now posted show a lot of discontent. On occasions such posting also is not possible because of transport difficulties as well as two different sets of timings viz., two-shift working at Butcher Island and three shift working at Pir Pau. Witness has further deposed that there will be tendency always to shirk work if rotation is introduced as it is human nature. Witness feels that one consequence of rotation will be evasion of responsibilities and if it is allowed here other categories such as fitters, nowganese, mukadems, mazdoor and others will also demand rotation.

9. The only question therefore that poses for determination in this reference is whether the demand of the Bombay Port Trust Employees' Union that the hamals attached to the smoke rooms at Butcher Island should be periodically rotated with the hamal attached to the oil pipe line section at Trombay is justified and should be implemented.

10. In view of the pleadings of the parties the two issues that arise for determination are :

(1) Whether periodical rotation of the hamals attached to the smoke rooms at Butcher Island with the hamal attached to the oil pipe line section at Trombay is feasible and practicable; and

(2) if so at what intervals the rotation should be done.

11. Various arguments were pressed into service by the representative of the Bombay Port Trust Employees' Union in support of the demand for rotation. It is submitted that there are five posts of hamals attached to the smoke rooms at Butcher Island of whom two work in the day shift of 12 hours duration (8 hours normal work and 4 hours overtime) and two in night shift 7 hours normal work plus 5 hours overtime and one works as reliever. At Pir Pau, Trombay there is one post of hamal whose working hours are from 8 a.m. to 5.30 p.m. with one hour recess from Monday to Friday and Saturday upto 1 p.m. without recess, and he gets no fixed overtime like those five hamals working at Butcher Island. It is, therefore, argued that the hamals at Butcher Island get the benefit of overtime wages which the hamal at Pir Pau is deprived of and this is discriminatory. It is further argued that the hamal at Pir Pau is performing the same duties as the hamals at Butcher Island and there is no reason for the one at Pir Pau to be discriminated against the

representative of the Bombay Port Trust Employees' Union further canvasses that the Trustees of the Bombay Port Trust by their Resolution exhibit W-2 decided that the employees shall be rotated at regular intervals at their various places of work and in their shifts unless in a particular case the rotation cannot be effected for compelling administrative, operational or other equally valid reasons to be recorded in writing by the Head of the Department. In accordance with the T.R. exhibit W-3 was issued and notice was given to all concerned to effect the changes specified in the annexure and this resolution it is asserted has not been implemented so far as the hamals are concerned. The representative of the Employees' Union also asserts that the principle of rotation has been accepted by the management in the case of electricians, wiremen and assistant wiremen between Butcher Island and Pir Pau which has been upheld by this Tribunal in its award in Ref. No. CGIT-18 of 1968 and was later confirmed by the Bombay High Court in its judgment in Special Civil Application No. 68 of 1971 (exhibit W-4).

12. On the other hand, the representative of the management points out that the transfer of workmen is a managerial function and the Industrial Tribunal should be very careful before it interferes with the order of transfer. The representative of the management invites my attention to the judgment of the Labour Appellate Tribunal of India reported in 1955 1 LLJ p. 634 (Mysore Spinning and Manufacturing Co. Ltd., and H. N. Narayananmurthy) and the decision of the Supreme Court reported in 1966 1 LLJ 440 (Syndicate Bank Ltd., and its workmen). It is further asserted that the transfer of workmen receiving besides the normal wages fluctuating amounts by way of incentives to a job with lesser chances of earning such incentives but without prejudice to his normal wages could not be considered to be an adverse change in the condition of service of the concerned workman within the meaning of section 33 of the Act. For this the representative of the management has placed reliance on the judgment of the Labour Appellate Tribunal of India reported in 1957 II LLJ 567 (National Carbon Co. (India) Ltd., and Muktinath Singh and six others (National Carbon Mazdoor Union)). The representative of the management further points out that the hours of work of the hamals working at Butcher Island are 12 including overtime and the hamal at Trombay works 8 hours a day and if the hamals at Butcher Island are rotated with the hamal at Pir Pau Trombay then it will mean a reduction of the working hours of the hamals at Butcher Island and therefore it is not open to the Industrial Tribunal to reduce the working hours either directly or indirectly. For this proposition the representative of the management relies on the observations of the Supreme Court reported in 1961 II LLJ page 94 (May and Baker (India) Ltd., and their workmen and in 1973 1 LLJ pages 18-26 (The Oil and Natural Gas Commission and their workmen).—The representative of the management very vehemently argues that if rotation is directed it will create discontent among the hamals at Butcher Island and the rotation will benefit only one hamal and therefore it should not be done. It is also contended that if rotation is ordered in this case there will be demands from other sections of employees for such rotation and it will put the management in great difficulties. It is further pointed out that there will be difficulties in transporting the hamals from Butcher Island to Pir Pau and vice versa. It is also urged that it will increase the administrative difficulties and increase the paper work of the supervisory technical staff. It is contended that according to seniority the hamals are posted and the juniormost is posted at Trombay Manifold and there will be difficulties in preparing the rosters for the equalisation of overtime and there will be discontent among the hamals working at Butcher Island if they are transferred to Pir Pau for they will lose their overtime and the efficiency will suffer.

13. I have given careful consideration to the rival contentions advanced vigorously before me by the representatives of the parties. On a close and anxious appraisal of the circumstances I am firmly convinced that the rotation of hamals at Butcher Island with the hamal at Pir Pau is feasible and practicable.

14. Before going into the merits of the controversy, it will be apposite at this stage to deal with certain legal contentions raised by the representative of the management. I cannot persuade myself to agree to the contention of the representative of the management that directing rotation among the workmen is purely a managerial function. The authorities cited by the representative of the management are wholly irrelevant. In 1955 1 LLJ 634 (Mysore Spinning and Manufacturing Co. Ltd., and H. N. Narayananmurthy) it was stated by the Labour Appellate Tribunal that the transfer of a workman pending adjudication proceedings before industrial tribunal and without its permission from one department to another without affecting his salary but with less chances to work and earn overtime wages could not be considered to be in contravention of section 33(a) of the Act involving any alteration in the conditions of service. In 1966 1 LLJ 440 (Syndicate Bank Ltd., and its workmen) the Supreme Court held that Industrial Tribunal should be careful before they interfere with the orders made by the banks in the discharge of their managerial functions and Industrial Tribunals should only interfere if the order of transfer is mala fide or for some ulterior purpose. I fail to understand as to how these authorities can come to the aid of the management. Here no order of transfer is challenged by the workmen. The only question that poses for determination is whether the rotation of the hamals between two places should be directed. I find it equally benefit of substance the contention of the representative of the management that by directing rotation the Tribunal will be altering the terms and conditions of service and interfere with the working hours of the hamals. It is not doubt true that it was pointed out by the Supreme Court in 1973 1 LLJ page 18-26 (The Oil and Natural Gas Commission and the workmen) that is not open to an Industrial Tribunal to reduce the working hours either directly or indirectly and that it was not the function of industrial adjudication to fix the working hours with a view to enable the workmen to earn overtime wages. But in this case no question of reducing the working hours fixed by the Port Trust arises and it is only a question of rotation. This disposed of the legal contentions raised by the representative of the management.

15. There is no dispute as indicated in exhibit W-1 that the hamals are in the pay scale of Rs. 70-85, and their duties and responsibilities are the same. It is also evident from exhibit W-5 that except for Shri Y. S. Shinde, Shri R. B. Jawatkar and Shri G. M. Baikar who were appointed on 25-4-1960, 5-3-1964 and 10-1-1966 respectively at Butcher Island the other viz., Shri B. K. Gaikwad, Shri S. H. Dhake, Shri H. L. Mhapankar and Shri V. C. Mahayavanshi were all appointed on 20-10-1966 at Butcher Island. Shri K. M. Gonjai's appointment is also on 20-10-1966 at the oil pipe line Pir Pau. Therefore it is not correct on the part of EW-1 to have stated in his evidence that only the juniormost in the category of hamal is posted at Trombay Manifold.

16. The hamals at Butcher Island and at Pir Pau are performing the same duties and are on the same scale of pay and it will be highly discriminatory if the hamal appointed at Trombay Manifold continues to work there with no chance of working overtime, whereas the hamals at Butcher Island continue to draw more overtime wages. It is true that it is only a question of one hamal securing an advantage and it will adversely affect the hamals at Butcher Island. But that cannot be a ground to deny the benefit to the hamal at Pir Pau. Further I fail to understand what administrative difficulties there will be if the rotation is ordered. There are two shifts at Butcher Island and three shifts at Pir Pau but this cannot cause any insurmountable difficulties as the hamals who are rotated between Butcher Island and Pir Pau will observe the working hours at the place where they are posted. It has not been explained either by EW-1 or by the management in their written statement as to what will be the difficulties of the supervisory staff if rotation is ordered. There is no question of the supervisory staff explaining the duties to the hamals as the duties performed by the hamals at both the places are the same. It is only a question of one hamal being rotated at a time and there is no question of any difficulties being experienced in preparing the rosters. Similarly there is no question of any discontent being felt by the hamals at Butcher Island for all the hamals will not be sent to Pir Pau at one and the same time and their grievance cannot be legitimate for

they cannot continue to have the advantage of drawing overtime all the time putting the hamal working at Trombay to a disadvantage for all time to come. There is no rationale behind keeping one hamal at Pir Pau without the benefit of overtime while the other hamals continue to enjoy the benefit of more overtime.

17. An imaginary fear has been expressed by the representative of the management that if rotation is directed in this case it will give rise to spate of demands from other sections for such rotation. Each case will have to be dealt with on its own merits and simply because rotation is ordered in this case it does not follow that the Tribunal will direct rotation ipso facto in other cases without closely going into the merits of a particular claim being put forward.

18. The existence of a small bit of sea separating the Butcher Island from Trombay can hardly be a reason for rejecting the demand for the rotation of hamals for as pointed out by the Bombay High Court in its unreported judgment dated 3rd December, 1971 there is only one small bit of sea separating the Butcher Island from Trombay. The High Court further observed that "the mere fact Trombay is accessible by land does not make much difference in the conditions of service whatever might be the condition of service in Butcher Island 10 or 15 years ago." I do not therefore feel that there will be much difficulty in transporting the hamals from Butcher Island to Pir Pau and vice versa and I do not think that there will be much expense involved in this.

19. There is yet another ground on which I feel that rotation should be directed in his case. No workman should be permitted to stay at one place for years together without effecting a change in the place of work. Further if the hamals are rotated between Butcher Island and Pir Pau it will give the much needed rest to the hamals at Butcher Island who have been continuously working for 12 hours in a day without rest.

20. The representative of the management relying on exhibit E-1 has argued that there is not much difference between the overtime wages drawn by the hamals at Butcher Island and the hamal at Trombay, Pir Pau and therefore the hamal at Trombay is not deprived of much overtime. This argument fails to impress me. Having gone through exhibit E-1 meticulously I find that there is substantial difference between the overtime wages earned by the hamals at Butcher Island and the hamal at Trombay.

21. The Trustees had passed a resolution (exhibit W-2) that the employees shall be rotated at regular intervals at their various places of work and in their shifts unless in a particular case the rotation cannot be effected for compelling administrative, operational or other equally valid reasons to be recorded in writing by the Head of the Department and in pursuance of this Resolution the Port Trust had issued a notice of change, exhibit W-3. I may however make it clear that I am not all swayed by this resolution in coming to the conclusion that rotation should be directed in this case.

22. Having taken into consideration all the facts and circumstances of the case I am firmly convinced that rotation of the hamals attached to the smoke rooms at Butcher Island with the hamal attached to the oil pipe line section at Trombay is feasible and practicable and it should be done.

23. The next question that arises is at what intervals the rotation should be done. Taking into consideration the entire circumstances of this case I feel that the rotation between the hamals at Butcher Island and Pir Pau should be done every two years for this will not cause any dislocation in work and will not also pose any administrative difficulties to the Port Trust.

24. I therefore hold that the demand of the Bombay Port Trust Employees' Union that the hamals attached to the smoke rooms at Butcher Island should be periodically rotated with the hamal attached to the oil pipe line section at Trombay is justified and the rotation should be done every two years.

The reference is answered accordingly. No order as to costs.

Before concluding en-passant I may observe that in order to avoid further claims of rotation by other sections of employees on the ground of obtaining the benefit of overtime wages it will be better if the Port Trust employs more workmen at Butcher Island and reduces the working hours at Butcher Island.

[No. L 31011(2) /74-P&D/D-IV(A)]

B. RAMLAL KISHEN, Presiding Officer

Central Govt. Industrial Tribunal No. 1  
Bombay.

प्रावेश

नई विल्ली, 30 अक्टूबर, 1975

का० आ० 46.—केन्द्रीय सरकार की राय है कि हस्से उपायद्वारा प्रत्येक सेवनिविष्ट विषयों के बारे में राष्ट्रीय खनिज विकास निगम, पश्चा० डॉ० यमेश माइन्स प्रोजेक्ट, पश्चा०, मध्य प्रदेश के प्रबन्धतालं से सम्बद्ध नियोजकों और उनके कर्मकार के बीच एक आयोगिक विषयान है;

प्रो० केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्वेशित करता चाहती है;

प्रतः, अब, आयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (अ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7क के अधीन गठित केन्द्रीय सरकार आयोगिक अधिकरण, जबलपुर को न्यायनिर्णयन के लिए निर्वेशित करती है।

प्रत्येक :

यह राष्ट्रीय खनिज विकास निगम लिमिटेड की डॉ० यमेश माइनिंग प्रोजेक्ट, पश्चा० के प्रबन्धतालं का उनके कर्मचारी, श्री रोलस्टन जोहन, मिस्टरी-एवं-प्रवालक प्रेड-3 माइनागावन की सेवाओं को 30 जुलाई 1974 से समाप्त करना न्यायोचित है? यदि नहीं, तो वह कर्मकार किस प्रत्येक वा हकावार है?

[संख्या ए.ल-29011/85/75/बी०/3/बी०]

ORDER

New Delhi, the 30th October, 1975

S.O. 46.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Diamond Mines Project, Panna of National Minerals Development Corporation, Panna, Madhya Pradesh and their workman in respect of the matters specified in the Schedule here to annexed :

And Whereas the Central Government considers it desirable to refer the said dispute to adjudication :

Now therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Jabalpur constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Diamond Mining Project of Messis National Minerals Development Corporation Limited, Panna is justified in terminating the service of their employee, Shri Roilstan John, Machine-cum-operator, Grade

III Majhagwan with effect from the 30th July, 1974 ? If not, to what relief is the workman entitled ?

[No. L. 29011/85/75/D/III/B]

आदेश

नई दिल्ली, 6 दिसम्बर, 1975

का० आ० 17.—केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स भारत कोर्पोरेशन कोल, लि० डाकघासाना-सिजुआ, जिला धनबाद और मैसर्स आर०क० विस्वास एंड संस कट्टेक्टर नं० 4 सीम क्षारि (वेस्ट), उत्तरी तेतुलमारी कोलरी की तेतुलमारी कोलरी की तेतुलमारी कोयला खान के उत्तरी तेतुलमारी सेक्षन के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहनीय समझती है;

प्रतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण संघ 2, धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है :

अनुसूची

क्या मैसर्स भारत कोरिंग कोल लि०, डाकघर सीजुआ, जिला धनबाद और मैसर्स आर०क० विस्वास एंड कट्टेक्टर, सेक्षन 4 सीम क्षारि (वेस्ट), उत्तरी तेतुलमारी कोलियरी की तेतुलमारी कोयला खान की उत्तरी तेतुलमारी सेक्षन के प्रबन्धतंत्र की सबं श्री गंगा राम, जितु राम, इन्द्रराम और छोटू राम को 25 मार्च, 1973 से काम से रोकने की कार्यवाही न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुतोष के हकदार हैं?

[संख्या एल० 20012/69/75-डी-३(ए)]

एल० के० नारायणन, अनुभाग अधिकारी

ORDER

New Delhi, the 6th December, 1975

S.O.47.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of North Tetulmari Section of Tekulmari Colliery of Messrs Bharat Coking Coal Ltd., Post Office Syus, District Dhanbad and Messrs R. K. Biswas and sons, Contractor, No. 4 Seam quarry (West), North Tetulmari Colliery on the one hand and their workmen on the other side, in respect of the matters specified in the Schedule hereto annexed.

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal No. 2 Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the actions of the management of North Tetulmari Section of Tetulmari Colliery of Messrs Bharat Coking Coal Limited, Post of Office Sijua District Dhanbad and Messrs R. K. Biswas and sons, Contractor, No. 4 Seam Quarry (West), North Tetulmari Colliery in stopping from work with effect from the 25th March, 1973, Surva Shri Ganga Ram, Jitu Ram, Inder

Ram and Chotu Ram, are justified? If not, to what relief are the said workmen entitled?

[No. L-20012/69/75/DIII/A]

L. K. NARAYANAN, Section Officer (Spl.)

आदेश

नई दिल्ली, 10 नवम्बर, 1975

का० आ० 48.—केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स हिन्दुस्तान कॉर्पोरेशन लिमिटेड के इंडियन कॉर्पोर कॉम्पेन्स की मोसायोनी माइन्स, डाकघर मोमाबोनी, जिला मिहमूमि के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्याय निर्णयन के लिए निर्देशित करना चाहनीय समझती है;

प्रतः, अब, औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (संघ्या 3), धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या मैसर्स हिन्दुस्तान कॉर्पोर लिमिटेड के इंडियन कॉर्पोर कॉम्पेन्स की मोसायोनी माइन्स, डाकघर मोमाबोनी जिला मिहमूमि के प्रबन्धतंत्र की ओ प्रधुल हुसैन, एम० सी० हैंडलमैन, सुर्दा को 10-3-1975 से पदच्यूत करने की कार्यवाही न्यायोचित थी? यदि नहीं, तो उक्त कर्मकार किस अनुतोष के हकदार हैं?

[संख्या एल० 43011/2/75-डी-४(बी)]

ORDER

New Delhi, the 10th November, 1975

S.O. 48.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Mosaboni Mines of Indian Copper Complex of Messrs Hindustan Copper Limited, Post Office, Mosaboni Mines, District Singhbhum and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Mosaboni Mines of Indian Copper Complex of Messrs Hindustan Copper Limited, Post Office, Mosaboni Mines, District Singhbhum in dismissing Shri Abdul Hussain, M. C. Handelman, Surda, with effect from 10-3-1975 was justified? If not, to what relief is the said workman entitled?

[No. L-43011/2/75-D-IV(B)]

आदेश

नई दिल्ली, 12 नवम्बर, 1975

का० आ० 49.—केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स श्रीबी० बन्दोस्तकर एंड संस,

पंजिम-गोआ के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक श्रौद्धोगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चांगीय समझती है;

अतः अब, श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खंड (ध) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7क के अधीन गठित केन्द्रीय सरकार श्रौद्धोगिक अधिकरण (नं० 3) धनवाद को न्यायनिर्णयन के लिए निर्देशित करती है।

#### अनुसूची

क्या मैसर्स कोल माइन्स आरारिटी लि० डाकघर निरसाचट्टी, जिला धनवाद की न्याइंगा कोयला खान के प्रबन्धतंत्र की श्री मिहिर कुमार मित्रा, कम्पाउण्डर की सेवाएँ 17 जनवरी, 1975 से समाप्त करने की कार्यवाही न्यायेंचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है?

[संचया एल-26011/25/75-डी० 4(बी०)]

भूपेन्द्र नाथ, अनुभाग अधिकारी (विशेष)

#### ORDER

New Delhi, the 12th November, 1975

**S.O. 49.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs D. B. Bandodkar and Sons, Panjim-Goa and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS, the Central Government considers it desirable to refer the said dispute for adjudication;

NOW THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal (No. 2), Bombay constituted under section 7A of the said Act.

#### SCHEDULE

Whether the demand of the Goa Mine Workers' Union that all the mine workers employed by the management of Messrs D. B. Bandodkar and Sons, Panjim-Goa be provided with housing accommodation or paid house rent allowance at the rate of 10 per cent of their wages in lieu thereof, is justified? If so, from what date the workmen concerned are entitled to house rent allowance?

[No. L-26011/25/75-D-IV(B)]

BHUPENDRA NATH, Section Officer (Spl.).

#### आवेदन

नई विल्सो, 11 नवम्बर, 1975

**कांग्रेस 50** केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनियिष्ट विषयों के बारे में मैसर्स कोल माइन्स आरारिटी लिमिटेड, डाकघर निरसाचट्टी, जिला धनवाद की न्याइंगा कोयला खान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक श्रौद्धोगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निर्देशित करना चांगीय समझती है;

अतः, अब, श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खंड (ध) द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7क के अधीन गठित केन्द्रीय सरकार श्रौद्धोगिक अधिकरण (नं० 3) धनवाद को न्यायनिर्णयन के लिए निर्देशित करती है।

#### अनुसूची

क्या मैसर्स कोल माइन्स आरारिटी लि० डाकघर निरसाचट्टी, जिला धनवाद की न्याइंगा कोयला खान के प्रबन्धतंत्र की श्री मिहिर कुमार मित्रा, कम्पाउण्डर की सेवाएँ 17 जनवरी, 1975 से समाप्त करने की कार्यवाही न्यायेंचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है?

[संचया एल 20012/84/75-डी० 3/प]

#### ORDER

New Delhi, the 11th November, 1975

**S.O. 50.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Nayadanga Colliery of Messrs Coal Mines Authority Limited, Post Office Nirsachatti, District Dhanbad and their workmen in respect of the matters specified in the Schedule here to annexed;

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal No. 3, Dhanbad constituted under section 7A of the said Act.

#### SCHEDULE

Whether the action of the management of Nayadanga Colliery of Messrs Coal Mines Authority Limited Post Office Nirsachatti, District Dhanbad in terminating the services of Shri Mihir Kumar Mitra, Compounder, with effect from 17-1-1975 is justified? If not, to what relief is the concerned workmen entitled?

[No. L-20012/84/75/DIII/A]

#### आवेदन

नई विल्सो, 12 नवम्बर, 1975

**कांग्रेस 51** केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनियिष्ट विषयों के बारे में मैसर्स कोल माइन्स आरारिटी लि० की खुड़िया कोलियरी, डाकघर निरसाचट्टी, जिला धनवाद के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक श्रौद्धोगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चांगीय समझती है;

अतः, अब, श्रौद्धोगिक विवाद अधिनियम, 1947 (1957 का 14) की धारा 10 की उपधारा (1) के खंड (ध) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7क के अधीन गठित केन्द्रीय सरकार श्रौद्धोगिक अधिकरण संचया 3, धनवाद को न्यायनिर्णयन के लिए निर्देशित करती है।

#### अनुसूची

क्या मैसर्स कोल माइन्स आरारिटी लि० की खुड़िया कोलियरी, डाकघर निरसाचट्टी, जिला धनवाद के प्रबन्धतंत्र की श्रीमती मुमता वैद्यकारा, अधिक भार निष्कामन कर्मकार को 1 जुलाई, 1973 से रोजगार न देने की

कार्यवाही न्यायोचित है। यदि नहीं, तो उक्त कर्मकार किस अनुतोष का हकदार है?

[संख्या एल 20012/78/75-डी-3-ए]

### ORDER

New Delhi, the 12th November, 1975

**S.O. 51.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Khoodia Colliery of Messrs Coal Mines Authority Limited, Post Office Nirsachatti, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal No. 3, Dhanbad constituted under section 7A of the said Act.

### SCHEDULE

Whether the action of the management of Khoodia Colliery of Messrs Coal Mines Authority Limited, Post Office Nirsachatti, District Dhanbad, in refusing to give employment to Smt. Subhadra Badyakar, Over-burden Removal Worker, with effect from the 1st July, 1973, is justified? If not to what relief is the said worker entitled?

[No. L 20012/78/75/D. III/A]

### आदेश

का०आ० 52 केन्द्रीय सरकार की राय है कि इससे उपर्युक्त अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स भारत कोटिंग कोल लिमिटेड की ईस्ट बाससेरिया कोलियरी, डाकघर कुमुन्डा जिला धनबाद के प्रबन्ध तंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्वाचित करना सांघीय समझती है;

प्रतः, श्री, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रवत्त विवितों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7क के प्रधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण संघा 3, धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

### अनुसूची

क्या मैसर्स भारत कोटिंग कोल लिमिटेड की ईस्ट बाससेरिया कोलियरी, डाकघर कुमुन्डा, जिला धनबाद के प्रबन्धतंत्र के श्री रामगुन्दर सिंह हाजिरी मजूर को 29 मई, 1974 से रोजगार वेते से इकार करने की कार्यवाही न्यायोचित है? यदि नहीं, तो उक्त कर्मकार किस अनुतोष का हकदार है?

[संख्या एल-20012/91/75-डी-3/ए]

जी०सी० सक्सेना, प्रब्र. मचिव

### ORDER

**S.O. 52.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of East Basseria Colliery of

Messrs Bharat Coking Coal Limited, Post Office Kusunda District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal No. 3, Dhanbad constituted under section 7A of the said Act.

### SCHEDULE

Whether the action of the management of East Basseria Colliery of Messrs Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad, in refusing employment to Shri Ram Sunder Singh, Hazaree Mazdoor, with effect from the 29th May, 1974, is justified? If not, to what relief is the said workman entitled.

[No. L 20012/91/75/DIII/A]

G. C. SAKSENA, Under Secy.

नई दिल्ली, 6 दिसंबर, 1975

का०आ० 53 केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स जाव आर्ट प्रिंटर्स, 206 विधान मारणी, कलकत्ता-6, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की वहसंघ इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कुदेम्ब पेंशन निधि अधिनियम 1952 (1952 का 19) के उपर्युक्त उक्त स्थापन को लागू किए जाने चाहिये।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपर्युक्त उक्त स्थापन नो लागू करती है।

यह अधिसूचना 1973 की प्रवेल के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं० एम-35017(16)/75-पी० एफ०२]

New Delhi, the 6th December, 1975

**S.O. 53.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Job and Art Printers, 206, Bidhan Sarani, Calcutta-700006, have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1973.

[No. S-35017(16)/75-PF. II]

का०आ० 54 केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स प्रिंटर्स-मेक कॉन्स्ट्रक्शन प्राइवेट लिमिटेड, 124 एस्यामा प्रमाद मुखर्जी रोड, कलकत्ता-24, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की वहसंघ इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि

ओर कुटुम्ब पेशन निधि अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, यद्यपि, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिनियम 1975 के मार्च के इकतीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं. एस-35017(17)/75-पी०एफ० 2 (i)]

**S.O. 54.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Civelmeo Constructions Private Limited, 124, Shyama Prasad Mukherjee Road, Calcutta-26, have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of March, 1975.

[No. S. 35017 (17)/75-P.F.II (i)]

**का०आ०५५.**—केन्द्रीय सरकार कर्मचारी भविष्य निधि और कुटुम्ब पेशन निधि, अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रयोग परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करते के पश्चात् 31 मार्च, 1975 से मैसर्स सिलिंगमेक कास्ट-इक्सान्स प्राइवेट लिमिटेड, 124 श्यामा प्रसाद मुकुर्जी रोड, कलकत्ता-26, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं. एस-35018(17)/75-पी०एफ० 2 (ii)]

**S.O.55.**—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the thirty-first day of March, 1975 the establishment known as Messrs Civelmeo Constructions Private Limited, 124, Shyama Prasad Mukherjee Road, Calcutta-26 for the purposes of the said proviso.

[No. S. 35017(17)/75-P.F.II (ii)]

**का०आ०५६.**—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स जे० ए० प्लास्टिक, 79/2 उर्वसी मैनोवर, मैकवाना रोड मारोल नाका, अंधेरी (पूर्वी) मुम्बई-59, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेशन निधि अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, यद्यपि, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1975 के अप्रैल के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं. एस-35018(47)/75-पी०एफ० 2]

**S.O. 56.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs J. A. Plastics, 79/2, Urvarshi Manor, Makwana Road, Marol Naka, Andheri (East) Bombay-59 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1975.

[No. S. 35018(47)/75-P.F. II]

**का०आ०५७.**—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स प्रेसीजन रबर एंड प्लास्टिक इण्डस्ट्रीज प-३४ स्माल इण्डस्ट्रीज को-आपरेटिव एस्टेट लिमिटेड, पाई० बी० पटेल रोड गोरे गांव (पूर्व) मुम्बई-63, जिसके अन्तर्गत 131 जग्योपाल इण्डस्ट्रियल एस्टेट भवानी शंकर कास रोड, दादर बम्बई स्थित उमकी शाखा भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेशन निधि अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, यद्यपि उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1973 के नवम्बर के तीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं. एस-35018(49)/75-पी०एफ० 2]

**S.O. 57.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs, Precision Rubber & Plastics Industries, A, 38, Small Industrial Co-operative Estate Limited, I. B. Patel Road, Goregaon (East), Bombay-63 and including its branch at 131, Jaygopal Industrial Estates, Bhavani Shankar Cross Road, Dadar, Bombay-28 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of November, 1973.

[No. S-35017(17)/75-P.F.II (i)]

**का०आ०५९.**—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स इनेक्ट्रानिक्स प्लाट सं. 92 सी कन्दावली इण्डस्ट्रियल एस्टेट, मुम्बई-67 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर भहमत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेशन निधि अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, यद्यपि, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1973 के दिसम्बर के इकतीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं० एस०-35018(50)/75-पी०एफ०२]

**S. O. 58.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Vicki Electronics, Plot No. 92 C, Kandivli Industrial Estate, Bombay-67 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall deemed to have come into force on the thirty-first day of December, 1973.

[S-35018(50)/75-PF. II]

**का० आ० 59.**—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स करोना लाइट लिमिटेड इम्प्लाईज को-ऑपरेटिव लेइट सोसाइटी लिमिटेड द्वारा रोड जोगेश्वरी, मुम्बई-60 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1973 के दिसम्बर के इकतीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं० एस०-35018(51)/75-पी०एफ०२(i)]

**S.O. 59.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The Carona Sahu Company Limited Employees' Co-operative Credit Society Limited, Caves Road, Jogeshwari, Bombay-60 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of December, 1973.

[No. S-35018(51)/75-PF.II(i)]

**का० आ० 60.**—केन्द्रीय सरकार कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि, अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक धारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में प्रावधान जांच करने के पश्चात् 31 दिसम्बर, 1973 से मैसर्स करोना लाइट लिमिटेड, इम्प्लाईज को-ऑपरेटिव लेइट सोसाइटी लिमिटेड, केन्ना रोड जोगेश्वरी मुम्बई-60, नामक स्थापन को उक्त परन्तुक के प्रयोगों के लिए विनियोग करती है।

[सं० एस० 35018(51)/75-पी०एफ०२ (ii)]

**S.O. 60.**—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952) the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the thirty-first day of December, 1973 the establishment known

as Messrs The Carona Sahu Company Limited Employees' Co-operative Credit Society Limited, Caves Road, Jogeshwari, for the purposes of the said proviso.

[No. S.35018(51)/75-PF.II(ii)]

**का० आ० 61.**—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स करोना लाइट लिमिटेड इम्प्लाईज को-ऑपरेटिव लेइट सोसाइटी लिमिटेड द्वारा रोड जोगेश्वरी, मुम्बई-60 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1974 के सितम्बर के इकतीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं० एस०-35018(52)/75-पी०एफ०२]

**S.O. 61.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Karimi Litho Press, B. Anjirwadi, Mazagaon Mount Road, Bombay-10 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of September, 1974.

[No. S. 35018(52)/75-PF.II]

**का० आ० 62.**—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सेन्ट्रल मार्केटिंग एजेंसी लाल इम्ली गली, इतवारी नागपुर-2 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1974 के प्रैले के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35018 (53)/75-पी०एफ०२]

**S.O. 62.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Central Marketing Agency, Lal Imlji Gali, Itwari, Nagpur-2 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1974.

[No. S-35018(53)/75-PF.II]

का० आ० 63.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स बोर ट्रेइंग कंपनी प्राइवेट लिमिटेड 19-ए, मुम्बई काटन मिल्स काला चौकी रोड मुम्बई-33 जिसके अन्तर्गत सर विठ्ठलवास चैम्बर्स, मुम्बई सामाचार मार्ग मुम्बई-1 स्थित उसकी शाखा भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

भतः, प्रभु, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1972 के अप्रैल के तीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं० एस-35018(55)/75-पी०-एफ० 2(i)]

**S.O. 63.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The Bhor Trading Company Private Limited 19-A, Bombay Cotton Mills, Kalachowky Road, Bombay-33 including its branches at Sir Vithaldas Chambers, Bombay Samachar Marg, Bombay-1, have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of April, 1972.

[No. S-35018(55)/75-PF.II(i)]

का० आ० 64.—केन्द्रीय सरकार कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि, अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परत्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 30 अप्रैल, 1972 से मैसर्स बोर ट्रेइंग कंपनी प्राइवेट लिमिटेड 19-ए, मुम्बई काटन मिल्स काला चौकी रोड मुम्बई-33, जिसके अन्तर्गत सर विठ्ठल दास चैम्बर्स, मुम्बई सामाचार मार्ग मुम्बई-1 स्थित इसकी शाखा भी है, नामक स्थापन को उक्त परत्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं० एस-35018(55)/75-पी०-एफ० 2]

**S.O. 64.**—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952) the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the thirtieth day of April, 1972 the establishment known as Messrs The Bhor Trading Company Private Limited, 19-A, Bombay Cotton Mills Estate, Kalachowky Road, Bombay-33 including its branches at Sir Vithaldas Chambers, Bombay Samachar Marg, Bombay-1, for the purposes of the said proviso.

[No. S-35018(55)/75-P.F. II(ii)]

का० आ० 65.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पटेल कॉटिंग इंडस्ट्रीज, 30 एफ, जिजिना हाउस, बामन जी लेन फॉर्ट मुम्बई-1 जिसमें लक्ष्मी इंडस्ट्रीजल १०स्टेट, मम्बई-13 स्थित उसका प्रधान कार्यालय भी लम्बिलत है नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर समहृत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

भतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1973 के श्रावन, के इकान्तीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं० एस-35018(56)/75-पी०-एफ० 2]

**S.O. 65.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Patel's Coating Industries, 30-F, Jijina House, Bamanji Lane, Fort, Bombay-1, including its Head Office at Laxmi Industrial Estate, Bombay-13, have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to this said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of October, 1973.

[No. S-35018(56)/75-PF.II]

का० आ० 66.—केन्द्रीय सरकार कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परत्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 1 जनवरी, 1975 से मैसर्स वाल्पेक्स उद्योग नन्दधाम औद्योगिक स्टेट, व्हालक सं०५० ७-12 मारोल बाम प्रधेरी (पूरी) सुम्बई ५९, जिसके प्रतिगत २०७ अरुण चैम्बर्स तारेव रोड, सुम्बई, ५९ स्थित इसकी शाखा भी है, नामक स्थापन को उक्त परत्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं० एस-35018(57)/75-पी०-एफ० 2]

**S.O. 66.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Valplex Industries, Nand Dham Industrial Estate, Block No. E-7-12, Marol Village, Andheri (East) Bombay-59 including its branch at 207, Arun Chambers, Tardeo Road, Bombay-59 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment,

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1974.

[No. S. 35018(57)/75-PF.II]

का० आ० 67.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स इंडोमेट प्लास्टिक्स प्राइवेट लिमिटेड, ९, १०, ११ सर्वोदय इंडस्ट्रीजल एस्टेट महाकाली केम्स रोड प्रधेरी ईस्ट सुम्बई-९३ जिसके प्रतिगत बी-५२-५४ गिरिराज इंडस्ट्रीजल एस्टेट महाकाली केम्स रोड सुम्बई ९३ स्थित इसकी शाखाएँ भी हैं, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की

वहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1974 की जुलाई के अन्त दिन को प्रकृत दृष्टि दायी जाएगी।

[सं० एस-35018(58)/75-पी०एफ० 2(i)]

**S.O. 67.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Exemet Plastics Private Limited, 9, 10, 11 Sarvodaya Industrial Estate, Mahakali Caves Road, Andheri East, Bombay-93 including its branches at B 52-54, Giriraj Industrial Estate, Mahakali Caves Road, Bombay-93 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of July, 1974.

[No. S-35018(58)/75-PF.II(i)]

**का०आ० 68.**—केन्द्रीय सरकार कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि, अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में शायदीक जांच करने के पश्चात् 1 जुलाई, 1974 से मैगर्स एक्सोमेट प्लास्टिक्स प्राइवेट लिमिटेड, 9, 10, 11 सर्वदय इंडस्ट्रियल एस्टेट, महाकाली केब्स रोड ग्रंथेरी हॉल मुम्बई 93 जिसके अन्तर्गत वी-52-54 गिरिराज इंडस्ट्रियल एस्टेट महाकाली केब्स रोड मुम्बई 93 स्थित इसकी शाखाएं ही हैं, नामक स्थापन को उक्त परन्तुके के प्रदोजनों के लिए विनियोजित करती है।

[सं० एस-35018(58)/75-पी० एफ० 2(ii)]

**S.O. 68.**—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952) the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of July, 1974, the establishment known as messrs Exemet Plastics Private Limited, 9, 10, 11 Sarvodaya Industrial Estate, Mahakali Caves Road, Andheri East, Bombay-400093 including its branches at B-52-54, Giriraj Industrial Estate, Mahakali Caves Road, Bombay-400093, for the purposes of the said proviso.

[No. S-35018(58)/75-PF.II(ii)]

**का०आ० 69.**—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेंजर फ्रॉकों आदि कास्ट्रोलस मूनिट 23-24 नन्हू इंडस्ट्रियल एस्टेट महाकाली केब्स रोड ग्रंथेरी (पूर्वी) मुम्बई 93, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1974 के दिसम्बर के इकतीसवें दिन को प्रकृत दृष्टि दायी जाएगी।

[सं० एस-35018(59)/75-पी० एफ० 2]

पृष्ठ० एस० सहस्रनामन, उप सचिव

**S.O. 69.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Avcon Autocontrols, Unit 23-24 Nandu Industrial Estate, Mahakali Caves Road, Andheri (East), Bombay-93, have agreed that the provisions of the Employees' Provident Funds and Family pension Fund Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of December, 1974.

[No. S-35018(59)/75-FF.II]  
S. S. SAHASRANAMAN, Dy. Secy.

नई दिल्ली, 9 दिसम्बर, 1975

**का०आ० 70.**—स्थान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारत सरकार के गृहपूर्व थम, रोजगार और पुनर्वास मंत्रालय (थम और रोजगार विभाग) की अधिसूचना संख्या का०आ० 1871, दिल्ली पहली मई, 1969 को, जहां तक यह श्री ओमेश्वर गोन से संबंधित है, विवेदित करती है।

[एस० 39012/3/75-एम-1]  
जे०स० सम्पेना, उपर भविव

New Delhi, the 9th December, 1975

**S.O. 70.**—In exercise of the powers conferred by the sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby rescinds the notification of the Government of India in the Late Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S. O. 1871 dated the 1st May, 1969, in so far as it relates to Shri Someswar Gon.

[File No. A-39012/3/75-MI]  
J. C. SAXENA, Under Secy.

नई दिल्ली, 1 दिसम्बर, 1975

**का०आ० 71.**—केन्द्रीय सरकार, वैयक्तिक अति (प्रति कर दीमा) अधिनियम, 1963 (1963 का 37) की धारा 14 की उपधारा (1) धारा 15 की उपधारा (1) धारा 16, 17 और 18 के अनुसार में, मुख्य नियोजक कारबाहा तथा बायलर, राजस्थान को उक्त अधिनियम की धारा 15, 16, 17 और 18 के प्रवीन राजस्थान राज्य में वर्तम और ज्येष्ठ नियोजक, कारबाहा और बायलर को उक्त अधिनियम की धारा 14 और 15 के प्रवीन अपनी-अपनी अधिकारिता के भीतर शक्तियों का प्रयोग करने के लिए प्राप्तिकृत करती है।

[सं० एस० 19025/27/72-कारबाहा]  
एस० एन० सक्सेना, ओ०एस०डी०(एज०एग०)

New Delhi, the 1st December, 1975

**S. O. 71.**—In pursuance of sub-section (1) of section 14, sub-section (1) of section 15, sections 16, 17 and 18 of the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963), the Central Government hereby authorise the Chief Inspectors of Factories and Boilers, Rajasthan, to exercise the powers under sections 14, 15, 16, 17 and 18 of the said Act throughout the State of Rajasthan and the Senior Inspectors of Factories and Boilers to exercise, within their respective jurisdictions, the powers under sections 14 and 15 of the said Act.

[No. S. 19025/27/72-Fac.]  
S. N. SAXENA, Officer on Special Duty

